



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

October 24, 1991

**C. Maynard Guest, M.D.**  
Executive Secretary

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Fred H. Pulver, M.D.  
853 Union Street  
Schenectady, New York 12308

Effective Date: 10/31/91

RE: License No. 036960

Dear Dr. Pulver:

Enclosed please find Order #BPMC 91-01 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :  
OF : ORDER  
FRED H. PULVER, M.D. : #BPMC-91-01

-----X

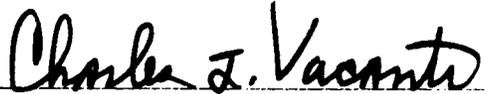
Upon the application of FRED H. PULVER, M.D., which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED: 14 October 1991

  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that the application is not granted by the Board of Regents, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



FRED H. PULVER, M.D.  
Respondent

Sworn to before me this 14<sup>th</sup>  
day of June, 1991

  
NOTARY PUBLIC

BRENDA J. BLAISDELL  
Notary Public, State of New York  
Qualified in Saratoga County  
Commission Expires Nov. 30, 1991

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
FRED H. PULVER, M.D.

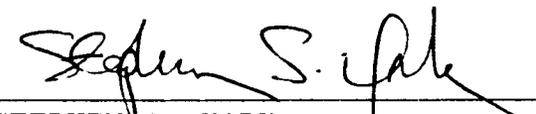
: APPLICATION TO  
:  
: SURRENDER  
:  
: LICENSE  
:

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The undersigned agree to the attached application of the  
Respondent to surrender license.

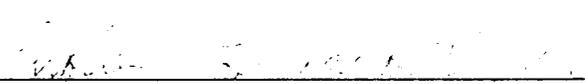
Date: June 14, 1991

  
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FRED H. PULVER, M.D.  
Respondent

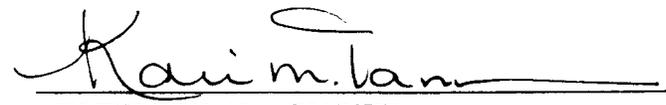
Date: June 19, 1991

  
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STEPHEN S. YORK  
Attorney for Respondent

Date: July 27, 1991

  
\_\_\_\_\_  
MEMBER, State Board for  
Professional Medical Conduct

Date: Sept. 27, 1991

  
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KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

# Exhibit A

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT  
OF : OF  
FRED H. PULVER, M.D. : CHARGES

-----X

FRED H. PULVER, M.D., the Respondent, was authorized to practice medicine in New York State on August 30, 1939, by the issuance of license number 036960 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 to December 31, 1991 from 853 Union Street, Schenectady, New York 12308.

## FACTUAL ALLEGATIONS

A. On or about January 18, 1990, Respondent treated Patient A (patients are identified in the attached appendix) at the Planned Parenthood Health Services of Northeastern New York, Inc., 414 Union Street, Schenectady, New York, and attempted a surgical termination of pregnancy. On January 23, 1990, Patient A delivered a 1410 gram, viable, male infant of 27 weeks gestation at the Albany Medical Center Hospital, Albany, New

York. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to accurately diagnose the gestational age of the fetus, estimating it to be 10-11 weeks.
2. Respondent failed to reexamine Patient A, perform an ultrasound and/or immediately refer Patient A to another physician or facility for appropriate follow-up.

SPECIFICATIONS

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with practicing the profession with gross negligence under New York Education Law §6509(2) (McKinney 1985) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1 and/or A.2.

SECOND SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with practicing the profession with gross incompetence under New York Education Law §6509 (2) (McKinney 1985), in that, Petitioner charges:

2. The facts in Paragraphs A and A.1 and/or A.2.

DATED: Albany, New York

*DATE 22, 1991*

*Peter D. Van Buren*  
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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct