



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 6, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Harry E. Jackson, M.D.
2600 Netherlands Avenue
Riverdale, New York 10463

RE: License No. 110153

Dear Dr. Jackson:

Enclosed please find Order #BPMC 98-28 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 2, 1998**.

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: James Fabian, Esq.
Nixon, Hargrave, Devans & Doyle, LLP
990 Stewart Avenue
Garden City, New York 11530-4838

Roy Nemerson, Esq.

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

IN THE MATTER
OF
HARRY E. JACKSON, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #98-28

STATE OF NEW YORK)
COUNTY OF) ss.:

HARRY E. JACKSON, M.D., being duly sworn, deposes and says:

That on or about September 13, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 110153 by the New York State Education Department.

My current address is 2600 Netherlands Avenue, Riverdale, NY 10463, my private office is located at 4915 Broadway, Suite 1A, New York, NY 10034, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine will be suspended for a period of one year with such suspension to be entirely stayed. I shall be placed on probation for a period of three years, subject to the terms set forth in Exhibit "B", attached.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth

herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Harry Jackson M.D.
HARRY E JACKSON, M.D.
RESPONDENT

Sworn to before me this

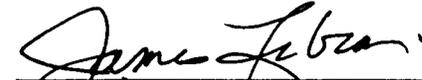
11th day of December 1997

Beth Fitzgerald
NOTARY PUBLIC

BETH FITZGERALD
NOTARY PUBLIC, State of New York
No 47-74680
Qualified in New York County
Commission Expires May 31, 1998

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 1/16/98



JAMES FABIAN, ESQ.
Attorney for Respondent

DATE: 1/22/98



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

DATE: 1/30/98



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

Medical Conduct

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

IN THE MATTER
OF
HARRY E. JACKSON, M.D.

CONSENT
ORDER

Upon the proposed agreement of HARRY E. JACKSON, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to and

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 upon issuance, and shall be
served upon Respondent by personal service, by certified mail, or by facsimile
transmission to the office of Respondent's attorney in this matter.

SO ORDERED.

DATED: 2/2/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
HARRY E. JACKSON, M.D.

STATEMENT
OF
CHARGES

HARRY E. JACKSON, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 13, 1971, by the issuance of license number 110153 by the New York State Education Department. Respondent treated each of the patients named below at either Our Lady of Mercy Hospital or Yonkers General Hospital. Patients are identified in Appendix A.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, an 88 year old man, during January of 1990. Respondent failed to adequately review the chest x-ray of 1/1/90, to adequately diagnose and or treat bilateral pneumonia and/or failed to note such review, diagnosis, and/or treatment.
- B. Respondent treated Patient B, an 89 year old woman, during the period of November 1990 through February 1991.
1. Respondent inappropriately ordered the administration of Synthroid without performing and/or noting adequate follow-up testing.
 2. Respondent failed to adequately follow-up a rising BUN and CO2 prior to discharge and/or failed to note such follow-up.

EXHIBIT "A"

- C. Respondent treated Patient C, a 74 year old woman, during September of 1989.
1. Respondent failed to appropriately and/or timely follow-up on an active upper G.I. bleeder, and/or failed to note such follow-up.
 2. Respondent inappropriately ordered the administration of Flagyl and Ancet during the period 9/14/89 through 9/18/89, given the circumstances of the patient as noted in the chart.
- D. Respondent treated Patient D, an 88 year old woman, during the period of January 1992 through February 1992, as well as previously at her Nursing Home.
1. Respondent failed to order administration of Digoxin in an adequate and/or timely manner.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1997) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A through D and all subparagraphs.

SECOND SPECIFICATION
FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §(32)(McKinney Supp. 1997) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

2. Paragraphs A through D and all subparagraphs.

DATED: December , 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. Beginning 30 days after the effective date of the Consent Order, Respondent shall practice medicine only when an OPMC approved monitoring plan is in place. Respondent shall be monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records

or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit at least one of Respondent's practice locations on a random unannounced basis at least monthly, may at his or her discretion visit Respondent at other locations of practice and shall examine a selection (no less than 20 per month for the first year of the period of probation, at the monitor's discretion thereafter) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.