



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
*Commissioner
NYS Department of Health*
Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.

Executive Secretary

Office of Professional Medical Conduct

January 24, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

George G. Fairey, M.D.
38 Sheep Pasture Road
Port Jefferson, New York 11777

RE: License No. 129972

Dear Dr. Fairey:

Enclosed please find Order #BPMC 01-13 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect January 24, 2001.

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 to 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: Silvia P. Finkelstein, Esq.

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

**IN THE MATTER
OF
GEORGE G. FAIREY, M.D.**

CONSENT
ORDER

BPMC No. 01-13

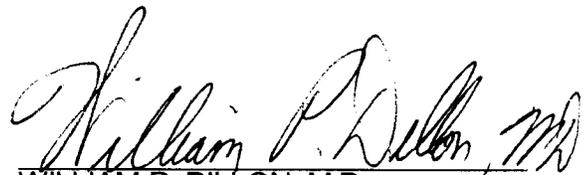
Upon the proposed agreement of GEORGE T. FAIREY, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1/22/01



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

**IN THE MATTER
OF
GEORGE G. FAIREY, M.D.**

CONSENT
AGREEMENT
AND
ORDER

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

GEORGE G. FAIREY, M.D., (Respondent) being duly sworn, deposes and says:

That on or about February 25, 1977, I was licensed to practice as a physician in the State of New York, having been issued License No. 129972 by the New York State Education Department.

My current address is 38 Sheep Pasture Road, Port Jefferson, NY 11777, 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 ten specifications of professional misconduct.

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

I admit guilt to the Eighth, Tenth and Eleventh specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license shall be suspended for three years, said suspension shall be stayed, and I shall be placed on probation for as long as I am licensed to practice medicine in the State of New York, subject to the terms and conditions set forth in Exhibit B, "Terms of Probation".

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's 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 will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

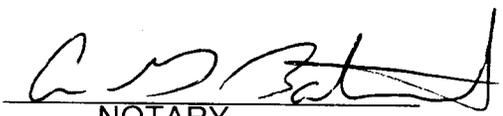
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing 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.



GEORGE G. FAIREY, M.D.
RESPONDENT

DATED 12/18/00

Sworn to before me
on this 18th day of
DECEMBER, 2000

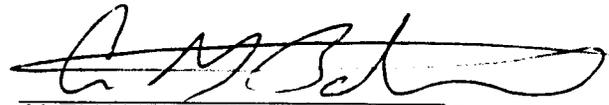


NOTARY

ALEXANDER G. BAREMAN
Notary Public, State of New York
Reg. # 02BA5085382
Qualified in Suffolk County
Expires September 22, 2001

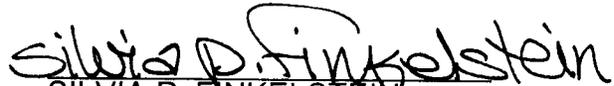
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 12/18/00



ALEXANDER G. BATEMAN, JR., ESQ.
Attorney for Respondent

DATE: 1-16-01



SILVIA P. FINKELSTEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 1-24-01



PATRICIA E. WHITMAN
DEPUTY DIRECTOR
Office of Professional
Medical Conduct

**IN THE MATTER
OF
GEORGE G. FAIREY, M.D.**

**STATEMENT
OF
CHARGES**

GEORGE G. FAIREY, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 25, 1977, by the issuance of license number 129972 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, a psychiatrist, treated Patient A from on or about June 5, 1990 until on or about December 20, 1991 at the Kings Park Psychiatric Center, Islip Outpatient Clinic (IOC). At all times herein mentioned Respondent was employed as a psychiatrist and clinical director of the IOC. Patient A suffered from depression. (The identity of Patient A is disclosed in the Appendix).
1. In or about 1990, several months after Respondent commenced treating Patient A, he commenced an ongoing sexual relationship with her which continued until in or about October 1992.
 2. On several occasions during the course of their sexual relationship, including during Patient A's pregnancy, Respondent obtained marijuana and smoked it with Patient A.
 3. Respondent failed to maintain a medical record for Patient A which

accurately represents Patient A's treatment, condition, medications prescribed, and/or diagnoses.

B. Respondent, a psychiatrist, treated Patient B from on or about September 19, 1994 through on or about February 13, 1996. Respondent diagnosed Patient B as suffering from borderline personality disorder with panic attacks and post-traumatic stress disorder. (The identity of Patient B is disclosed in the Appendix).

1. Respondent failed to obtain and/or document an adequate history, past psychiatric history, mental status examinations for each visit, physical examination including vital signs, and/or basic laboratory evaluations including a complete blood count, liver functions, thyroid functions and/or urine drug screen.

2. During the course of rendering treatment to Patient B, Respondent inappropriately prescribed various combinations of the following medications:

- a. Benzodiazepines: Klonopin, Ativan, Restoril, ProSom;
- b. Phenothiazines: Stelazine, Mellaril;
- c. Antidepressants: Desyrel, Zoloft, Serzone;
- d. Anti-manic agents: Lithium, Depakote;
- e. Anti-convulsants: Tegretol Neurontin;
- f. Hypnotics: Chloral hydrate, Ambien;
- g. Beta blockers: Inderal;
- h. Calcium channel blocker: Verapamil

3. Respondent failed to maintain a medical record for Patient B which accurately represents Patient B's treatment, condition, medications prescribed, and/or diagnoses.

SPECIFICATION OF CHARGES

FIRST AND SECOND SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 2000) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraphs A, A.1, A.2 and/or A.3.
2. Paragraphs B, B.1 and B.1.a through B.1.h., and/or B.2

THIRD AND FOURTH SPECIFICATIONS

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 2000) 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:

3. Paragraphs A, A.1, A.2 and/or A.3.

4. Paragraphs B, B.1 and B.1.a through B.1.h, and/or B.2.

FIFTH AND SIXTH SPECIFICATIONS
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 2000) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

5. Paragraphs A, A.1, A.2 and/or A.3.
6. Paragraphs B, B.1 and B.1.a through B.1.h, and/or B.2.

SEVENTH SPECIFICATION
WILLFULLY HARASSING, ABUSING OR INTIMIDATING A
A PATIENT EITHER PHYSICALLY OR VERBALLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 2000) by willfully harassing, abusing or intimidating a patient either physically or verbally, as alleged in the facts of:

7. Paragraphs A, and A.1.

EIGHTH SPECIFICATION

SEXUAL CONTACT BETWEEN PSYCHIATRIST AND PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(44)(McKinney Supp. 2000) by engaging in physical contact of a sexual nature with a patient, as alleged in the facts of:

8. Paragraphs A, and A.1.

NINTH SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 2000) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

9. Paragraphs A, A.1, and/or A.2.

TENTH AND ELEVENTH SPECIFICATIONS
FAILURE TO MAINTAIN ACCURATE RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 2000) by failing to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient, as alleged in the facts of:

10. Paragraphs A and A.3.
11. Paragraphs B and B.3.

DATED: December , 2000
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. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
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. Respondent shall remain drug/alcohol free.
8. Respondent shall remain active in self help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
9. Respondent shall notify all treating physicians of his/her history of alcohol/chemical dependency. Respondent shall advise PMC of any controlled or mood-altering substance given or prescribed by treating physicians.
10. Respondent shall practice only when monitored by qualified health care professional monitors (sobriety monitor, practice supervisor, and therapist) proposed by Respondent and approved, in writing, by the Director of OPMC.

Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.

11. Respondent shall ensure that the monitors are familiar with Respondent's drug/alcohol dependency and with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.
12. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.
13. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than 2 for the first 12 months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g., AA/NA/Caduceus, etc.), 12 step progress, etc.
14. For the first five years of the period of probation, Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
15. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.
16. Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice, including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.
17. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary, or for the period of time dictated in the Order.
18. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.

19. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
20. 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.