



Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Salle, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

March 31, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Sarah Nelson, M.D.
21 B Sophia Place
Rochester, New York 14608

RE: License No. 201323

Dear Dr. Nelson:

Enclosed please find Order #BPMC 99-66 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 31, 1999**.

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: Edward H. Fox, Esq.
Harris, Beach & Wilcox
The Granite Building
130 East Main Street
Rochester, New York 14604-1687

Valerie B. Donovan, Esq.

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

IN THE MATTER
OF
SARAH NELSON, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-66

STATE OF NEW YORK)
COUNTY OF) so.:

SARAH NELSON, M.D., (Respondent) being duly sworn, deposes and says:

That on or about November 10, 1995, I was licensed to practice as a physician in the State of New York, having been issued License No. 201323 by the New York State Education Department.

My current address is 21B Sophia Place, Rochester, New York, 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 four 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 charges. I hereby agree to the following penalty:

1. A three year suspension of my license to practice medicine in the State of New York, with two years three months stayed.
2. A probationary period of three years, to begin concurrently with effective date of this Order, during which I must fully comply with the Terms of Probation attached hereto as Exhibit B.

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.


AFFIRMED:

DATED 3/9/99


Sarah W. Nelson MD
SARAH NELSON, M.D.
RESPONDENT

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


DATE: 3/11/99


EDWARD H. FOX, ESQ.
Attorney for Respondent

DATE: 3/18/99


VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 3/24/98


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
SARAH NELSON, M.D.


CONSENT
ORDER

Upon the proposed agreement of SARAH NELSON, 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: 3/26/99


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

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

-----X

IN THE MATTER :
OF : STATEMENT
SARAH NELSON, M.D. : OF CHARGES

-----X

SARAH NELSON, M.D., the Respondent, was authorized to practice medicine in New York State on November 10, 1995, by the issuance of license number 201323 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 November 11, 1997 through August 31, 1999 with a registration address of 21B Sophia Place, Rochester, New York 14608.

FACTUAL ALLEGATIONS

A. Respondent provided psychiatric care to Patient A (patient identified in the Appendix), a female born November 1, 1963, for dysthymia, depression and anxiety disorder from on or about January 13, 1997 through on or about February 17, 1998, at Rochester Rehabilitation Center, 1000 Elmwood Avenue, Rochester, New York 14620. Respondent's care and treatment of Patient A failed to meet accepted standards of care in that:

1. Respondent violated appropriate and therapeutic professional boundaries with Patient A by engaging in behavior including but not limited to the following:

- a. Respondent, from in or about January, 1998, through in or about April, 1998, engaged in physical contact of a sexual nature with Patient A.
- b. Respondent, from in or about January, 1998 through in or about March, 1998 provided Patient A with \$1200.00.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(3) 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. The facts in paragraphs A and A.1(a) and/or A and A.1(b).

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(5) 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:

2. The facts in paragraphs A and A.1(a) and/or A and A.1(b).

THIRD SPECIFICATION

MORAL UNFITNESS

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

3. The facts in paragraphs A and A.1(a) and/or A and A.1(b).

FOURTH SPECIFICATION

**PHYSICAL CONTACT OF A SEXUAL NATURE BETWEEN
A PSYCHIATRIST AND A PATIENT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law section 6530(44) by, in her practice of psychiatry, engaging in physical contact of a sexual nature with a patient, as alleged in the facts of the following:

4. The facts in paragraphs A and A.1(a) and/or A and A.1(b).

DATED: *March 18*, 1999
Albany, New York

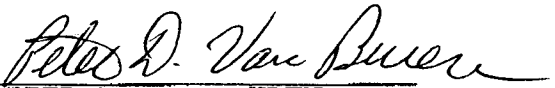

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by 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. 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, with the exception that the period of probation shall not be tolled during the nine month actual suspension imposed by this Order. 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.
4. 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 her staff at practice locations or OPMC offices.
5. 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.
6. Respondent shall practice only when monitored by qualified health care professionals ("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.
7. Respondent shall practice medicine only when supervised in her 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.

8. 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.
9. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary.
10. 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.
11. Respondent shall comply with any request from OPMC to obtain an independent psychiatric evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
12. 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.