

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

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IN THE MATTER : COMMISSIONER'S
OF : ORDER AND
ROBERT LEIGHTON, M.D. : NOTICE OF HEARING
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TO: ROBERT LEIGHTON, M.D.
44 Livingston Street
Poughkeepsie, New York 12601

The undersigned, Mark R. Chassin, M.D., Commissioner of Health of the State of New York, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by ROBERT LEIGHTON, M.D., the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section 230(12) (McKinney Supp. 1994), that effective immediately ROBERT LEIGHTON, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless

modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12) (McKinney Supp. 1994).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1994), and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 6th day of January, 1995 at 10:00 a.m. at 5 Penn Plaza, 6th Floor, New York, New York 10001 and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to Section 301(5) of the

State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Empire State Plaza, Corning Tower Building, 25th Floor, Albany, New York 12237-0026 and by telephone (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW
YORK PUBLIC HEALTH LAW SECTION 230-a
(McKinney Supp. 1994). YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS
MATTER.

DATED: Albany, New York

December 27, 1994



MARK R. CHASSIN, M.D.
Commissioner of Health

Inquiries should be directed to:

Dianne Abeloff
Associate Counsel
N.Y.S. Department of Health
5 Penn Plaza, 6th Floor
New York, New York 10001
Tel. No.: 212-613-2615

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

**IN THE MATTER
OF
ROBERT LEIGHTON, M.D.**

**STATEMENT
OF
CHARGES**

Robert Leighton, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 14, 1964, by the issuance of license number 092962 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, 1993 through December 31, 1994, with a registration address of RR 2, Box 174-A Salt Point Turnpike, Clinton Corners, NY 12514.

FACTUAL ALLEGATIONS

- A. From in or about 1991 through in or about June 1994, Respondent treated Patient A at his office, at Salt Point Turnpike, Clinton Corners, N.Y. or 21 Collegeview Avenue, Poughkeepsie, N.Y. (Patient A and all other patients are identified in the Appendix.)
1. On or about June 9, 1994, Respondent, a psychiatrist, engaged in physical contact of a sexual nature including cunnilingus, with Patient A in Respondent's office.
- B. From a date unknown continuing through the present, Respondent failed to maintain medical records for his patients in accordance with accepted medical standards, specifically:

1. He failed to label the entries by patient names.
 2. He failed to maintain separate records for each of his patients.
 3. He failed to date the entries.
 4. He failed to enter the medications prescribed to the patients in the "records."
- C. From a date unknown and continuing through the present Respondent during therapy sessions in his office inappropriately discussed his own personal life with Patients A and B as well as with other patients.
- D. Respondent failed to coordinate treatment with others who were responsible for treatment of the patient, specifically, in or about 1992, Respondent failed to reply in a timely manner, if at all, to properly authorized requests for information from the director of the Dutchess County Methadone Clinic.
- E. In or about 1992 and continuing until the present Respondent permitted individuals to work for him in exchange for prescriptions and treatment.
- F. Respondent failed to respond to an inquiry from Dr. Edelson, Medical Director of the New York State Empire Plan Prescription Drug Program, concerning the chronic prescribing of Xanax to Patient C.
- G. From in or about January 1994 through in or about June 1994, Respondent prescribed medications without medical indications documented in his record to the following patients:
1. On or about June 6, 1994, Respondent prescribed a 5 day

supply of Hydrocodone 5/500, 15 tablets to Patient D. The next day, June 7, 1994, Respondent prescribed a 10 day supply of the same medication to the patient.

2. On or about March 10, 1994, Respondent prescribed Clonazepam, 2 mg. tablets for 12 days to Patient E. The next day, March 11, 1994, Respondent prescribed an 8 days supply of Diazepam, 5 mg. tablets to Patient E.
3. On or about January 11, 1994, Respondent prescribed a 9 day supply of Diazepam, 5 mg. tablets to Patient F. On or about January 18, 1994, he prescribed a 15 days supply of 2 mg. tablets and on January 25, 1994, he prescribed a 12 day supply, number of tablets were not specified, of Diazepam to Patient F.
4. On or about May 11, 1994, Respondent prescribed a 16 day supply of Lorazepam, 1 mg. tablets to Patient G. On or about May 18, 1994, he prescribed an 8 day supply of the drug, number of tablets not specified, to the same patient.

H. From a time unknown and continuing to the present, Respondent practiced medicine while impaired by mental disability. His impairment is evidenced by conduct including, but not limited to, the following behavior and statements made to Respondent's employee, patient(s) and staff members of the Office of Professional Medical Conduct (OPMC), specifically:

1. On or about June 24, 1994, Respondent said to Patient B during

her therapy session, "I can't believe this the stress is killing me." or words to that effect. During that same session he talked about his love affairs, his need to pay support money, and that Employee A (Employee A is identified in the attached appendix) was leaving him and he was very upset. He then went to the bathroom. When he came out he announced to Patient B and her friend who accompanied her, "I took a pill, I'll be better now," or words to that effect.

2. On or about July 27, 1994, Respondent told Employee A, that his ADD (Attention Deficit Disorder) was acting up. He also referred to himself as Dr. Lettersman; and stated that the M.D. stands for manic depressive.
3. On or about November 23, 1994, in a telephone conversation with an investigator with OPMC, Respondent said, "I know that I have a problem," or words to that effect. On or about December 7, 1994, again in a conversation with the investigator, Respondent stated that "I take on too much, I can't focus properly," or words to that effect. In another telephone conversation with an OPMC investigator on or about December 12, 1994, Respondent stated, "I'm fine. I don't think I made any serious mistakes," or words to that effect.
4. In or about 1992, Respondent had altercations with his wife in front of patients.

5. In or about July of 1994, Respondent wrote a patient's name over and over again on scraps of paper, i.e., "Katherine Burns will live Long."
6. On or about June 24, 1994, Patient B reported to an OPMC investigator that Respondent "walked like he was drugged and was whoozie."
7. From in or about at least November 1993 through November 1994, Respondent lived in his office which was not equipped with either a kitchen or full bathroom. Respondent was unable to bathe adequately, his clothing was unclean, there was leftover food throughout the office, including the room where therapy sessions were conducted.
8. During therapy sessions with patients, Respondent would interrupt the session to discuss his theories about music, his musical compositions, and his piano. In an August 1, 1994 conversation with an OPMC investigator, Respondent said that, "sometimes he gets up at 3 a.m. to write music," or words to that effect.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

SEXUAL CONTACT WITH A PATIENT BY A PSYCHIATRIST

Respondent is charged with professional misconduct in the practice of psychiatry because of physical contact of a sexual nature with a patient in violation of N.Y. Educ. Law Section 6530 (44)(a) (McKinney Supp. 1994), specifically:

1. The facts in paragraphs A, A(1).

SECOND SPECIFICATION

PRACTICING THE PROFESSION NEGLIGENTLY

Respondent is charged with professional misconduct by reason of practicing the profession of medicine with negligence on more than occasion within the meaning of N.Y. Educ. Law Section 6530 (3)(McKinney Supp. 1994), in that Petitioner charges that Respondent committed two or more of the following:

2. The facts in paragraphs B, B1.- B4.;C; D; E; F; and/or G, G1-G4.

THIRD SPECIFICATION

PRACTICING WHILE IMPAIRED BY MENTAL DISABILITY

Respondent is charged with professional misconduct by reason of practicing the profession of medicine while impaired by mental disability within the meaning of N.Y. Educ.

Law Section 6530(7)(McKinney Supp. 1994), in that Petitioner charges:

3. The facts in paragraphs H, H1. -H8.

FOURTH SPECIFICATION
FAILING TO MAINTAIN AN ACCURATE RECORD

Respondent is charged with professional misconduct by reason of failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient within the meaning of N.Y. Educ. Law Section 6530 (32)(McKinney Supp. 1994). In that Petitioner charges:

4. The facts in paragraphs B, B1. - B4.

DATED: December 21, 1994
New York, NY


CHRIS STERN HYMAN
Counsel, Bureau of Professional
Medical Conduct