



*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

September 28, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

William J. Curtin, M.D.  
701 College Hill, 2nd Floor  
Williamson, West Virginia 25661-3300

RE: License No. 101568

Dear Dr. Curtin:

Enclosed please find Order #BPMC 98-225 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 5, 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: Robert Bogan, Esq.

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

-----X  
IN THE MATTER : SURRENDER  
OF : ORDER  
WILLIAM J. CURTIN, M.D. : BPMC # 98-225  
:  
-----X

WILLIAM J. CURTIN, M.D., says:

On or about July 3, 1968, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 101561 by the New York State Education Department.

My current address is 701 College Hill, Second Floor, Williamson, West Virginia 25661-3300 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

*William J. Curtin, M.D.*  
WILLIAM J. CURTIN, M.D.  
Respondent

AGREED TO: *B*

Date: *15 Sep.* 1998

Date: *15 Sep.* 1998

Date: *September 18* 1998

*[Signature]*  
Esq.  
Attorney for Respondent

*[Signature]*  
ROBERT BOGAN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

*[Signature]*  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of WILLIAM J. CURTIN, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: 9/22/98

Patrick F. Carone, M.D.

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

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
WILLIAM J. CURTIN, M.D. : CHARGES

-----X

WILLIAM J. CURTIN, M.D., the Respondent, was authorized to practice medicine in New York State on July 3, 1968 by the issuance of license number 101568 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. A Decision, Before The Division Of Medical Quality, Medical Board Of California, Department Of Consumer Affairs, State Of California (hereinafter "California Board") dated February 27, 1998 adopted the Proposed Decision of The Administrative Law Judge dated February 3, 1998.

B. The Proposed Decision of the Administrative Law Judge referred to in Paragraph A above Ordered, among other matters, that:

1. The Respondent's California Physician's and Surgeon's Certificate be suspended for a period of ninety (90) days.
2. The Respondent's California Physician's and Surgeon's Certificate be revoked and that a probationary physician's and surgeon's certificate be issued for a period of seven (7) years conditioned upon the Respondent:

- a. within fifteen (15) days provide proof of service of the Decision upon specified bodies;
- b. within sixty (60) days submit, for approval, a community service program;
- c. within sixty (60) days enroll in specified courses;
- d. within thirty (30) days and on a periodic basis, thereafter, undergo a psychiatric evaluation;
- e. have a third party present when examining or treating female patients and;
- f. reimburse the California Board \$12,811.00 for investigation and prosecution costs.

C. The Proposed Decision of The Administrative Law Judge referred to in Paragraph A above under Factual Findings found, among other matters, that the Respondent, a board certified neurologist:

1. While conducting a neurological examination of a female patient:

- a. "following (her) removal of her apparel...with no one else present... Respondent, observably staring at her breasts, conducted an examination of each of (her) breasts which included his placing a stethoscope on each nipple for approximately 15 - 20 seconds with what (she) described as uncomfortable pressure; moving the stethoscope in a circular pattern on and around each breast, both of which remained fully exposed, despite efforts by (her) to cover herself; and manually examining each breast for approximately 60 seconds, which included rolling, squeezing, and tugging each nipple for approximately 15 - 20 seconds;" and
- b. "while continuing with his examination... Respondent, claiming that he wanted to check her scar, attempted to lower (her) panties."

2. While conducting a neurological examination of a second female patient:

- a. "During the first examination, Respondent conducted various neurological tests and, further, without any other person present, conducted a breast examination in a manner similar to (her) gynecologist (i.e., using two fingers to feel and palpitate her breasts and nipples);"
- b. On a follow up visit, "Respondent, during the examination and without any other person present, performed a breast examination of (her) which, although similar to the examination referenced," (in paragraph a above), "took more time;"
- c. On a follow up visit, "Respondent... with no one else present in the examination room, he conducted an examination of each of (her) breasts, claiming such examination was necessitated by the medication prescribed by him. His breast examination, which included the exposure of both breasts, involved an open hand cupping of her breasts, involving an open hand cupping of her breasts, placing his palm on her nipples and massaging the breasts with his fingertips in a circular motion. In addition, Respondent moved his hand below (her) panty line but without extending to her pubic hair;"
- d. On a followup visit, (d)uring his examination of (her), Respondent, with no one else present in the examination room, conducted an examination of each of (her) breasts, reiterating his claim that such examination was necessitated by the medication prescribed by him. His breast examination, which included the exposure of both breasts, involved an open hand cupping of her breasts, placing his palm on her nipples and massaging the breasts with his fingertips in a circular motion, with a duration and intensity exceeding prior examinations.
- e. On a followup visit, "(d)uring his examination of (her), Respondent, with no one else present in the examination room, conducted an examination of each of (her) breasts, reiterating his claim that such examination was necessitated by the medication prescribed by him. His breast examination which involved the conduct referenced "included the following, squeezing, and pulling of each nipple with increasing duration and intensity that effected pain to (her) which she communicated to Respondent who, staring with a glazed expression, disregarded her claims."

D. The above described action was the result of an Acusation by the California Board dated May 27, 1997.

E. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following section of New York State law:

1. N.Y. Education Law Section 6530(20) [moral unfitness]; and/or
2. N.Y. Education Law Section 6530(31) [willfully harassing, abusing, or intimidating a patient either physically or verbally].

#### SPECIFICATION

#### FIRST SPECIFICATION

Respondent is guilty of violating N.Y. Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based could, if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges the following:

1. The facts in paragraphs A, B, C, and/or D.

SECOND SPECIFICATION

Respondent is guilty of professional misconduct under N.Y. Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts in paragraphs A, B, C and/or D.

DATED: *August 18,* 1998

Albany, New York

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