



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Karen Schimke  
*Executive Deputy Commissioner*

August 27, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Kevin P. Donovan, Esq.  
NYS Department of Health  
Corning Tower-Room 2438  
Empire State Plaza  
Albany, New York 12237

Adolphus Reid Allison, Jr., M.D.  
67 Mooring Buoy  
Hilton Head, South Carolina 29928

**RE: In the Matter of Adolphus Reid Allison, Jr., M.D.**

Effective Date: 09/03/96

Dear Mr. Donovan and Dr. Allison:

Enclosed please find the Determination and Order (No.95-316) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Corning Tower, Room 438  
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm

Enclosure

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

COPY

IN THE MATTER

OF

**ADOLPHUS REID ALLISON, JR., M.D.**

**Administrative Review from a Determination by a Hearing  
Committee on Professional Medical Conduct**

ADMINISTRATIVE  
REVIEW BOARD  
DETERMINATION  
ARB NO. 96-106

The Respondent **ADOLPHUS REID ALLISON, JR., M.D.** (Respondent) requests, pursuant to Public Health Law (Pub.H.L.) §230-c(4)(a) (McKinney's Supp 1996), that the Administrative Review Board for Professional Medical Conduct (Board) review and vacate a May 2, 1996 Determination by a Hearing Committee on Professional Medical Conduct (Committee), which revoked the Respondent's New York medical license, upon finding that the Respondent committed professional misconduct in violation of New York Education Law (Educ. L.) §6530(9)(b) and §6530(9)(d). After reviewing this case and conducting deliberations on July 19, 1996, Board Members **ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.** sustain the Hearing Committee's Determination that the Respondent is guilty of professional misconduct and we sustain the Committee's Determination revoking the Respondent's New York medical license.

Administrative Law Judge **JAMES F. HORAN** served as the Board's Administrative Officer and drafted this Determination.

The Respondent represented himself on the review.

**KEVIN P. DONOVAN, ESQ.**, Associate Counsel, represented the New York State Department of Health (Petitioner).

## THE COMMITTEE'S DETERMINATION ON THE CHARGES

Pub.H.L. §230(7) authorizes three member Committees from the State Board for Professional Medical Conduct (BPMC) to conduct disciplinary proceedings to determine whether physicians have committed professional misconduct by violating Educ. L. §6530. The Petitioner filed charges with BPMC alleging that the Respondent had violated Educ. L. §6530(9)(b) by:

- being found guilty for improper professional conduct by another state's professional disciplinary agency,
- for conduct which would constitute misconduct if committed in New York State.

The Petitioner also alleged that the Respondent violated Educ. L. §6530(9)(b) by:

- having disciplinary action taken by a duly authorized professional disciplinary agency for another state,
- for conduct which would constitute professional misconduct if committed in New York State.

The Petitioner brought this case as an expedited proceeding pursuant to Pub.H.L. §230(10)(p). The purpose for such a proceeding is to determine the nature and severity for the penalty to be imposed for the conduct, Matter of Siddiqui, Index No. 73383 (Third Dept. June 6, 1996). The Petitioner charged that the Respondent had falsified his applications for licensure in Montana and for reactivation in South Carolina.

Three BPMC members, **ARSENIO G. AGOPOVICH, M.D. (Chair)**, **ARTHUR L. SEGAL, M.D.** and **JOHN T. VERNIEU** comprised the Committee who conducted a hearing, pursuant to Pub.H.L. §230(10)(e), and rendered a Determination in this case on May 2, 1996. Administrative Law Judge **JEFFREY W. KIMMER** served as the Committee's Administrative Officer. The Committee determined that:

- on April 3, 1995, the Montana Board of Medical Examiners (Montana Board) found that the Respondent committed professional misconduct in that state by lying on his application for licensure; and
- on May 17, 1995, the South Carolina Board of Medical Examiners (South Carolina Board) found that the Respondent committed unprofessional conduct by lying on his application for reactivation.

The Committee determined that the South Carolina and Montana actions constituted guilty findings and disciplinary actions by those States' duly authorized physician disciplinary agencies. The Committee also determined that the underlying conduct in South Carolina and Montana would constitute misconduct in New York as follows:

- practicing the profession fraudulently, in violation of Educ. L. §6530(2); and
- practicing with conduct evidencing moral unfitness in violation of Educ. L. §6530(20).

The Committee voted to revoke the Respondent's license to practice in New York State. The Committee found that the Respondent committed fraud and found that he had admitted to lying on past applications to other states. The Committee concluded that the Respondent lacks the necessary moral character to practice medicine in New York.

### **REVIEW HISTORY AND ISSUES**

The Respondent filed a Notice requesting a review, which the Board received on May 24, 1996. The Notice stayed the Committee's penalty automatically, as provided by Pub.H.L. §230-c(4)(a), pending the Board's final Determination on the review. The record for the review contained the Committee Determination, the Hearing transcript and exhibits, the Respondent's letter-brief and the Department's reply. The Board received the Respondent's brief on June 24, 1996 and the Petitioner's Response on June 24, 1996.

The Respondent's brief characterized the Committee's penalty as severe. The Respondent admitted that he lied on applications to certain states by lying about losing his privileges at Canter Community Hospital in Pennsylvania. The Respondent contends that he committed no misconduct in New York and he points out that all the states in which he committed transgressions - Montana, South Carolina, North Carolina and Maine - imposed less severe punishments. The Respondent asserts that he committed a blunder and will never repeat his mistake again.

The Petitioner contends that the Committee imposed an appropriate penalty for the Respondent's fraudulent conduct and asserts that the less serious penalties by sister states do not limit New York's authority to render our own judgment on the appropriate penalty in the Respondent's case.

## **THE BOARD'S REVIEW AUTHORITY**

Pub.H.L. §230(10)(i), §230-c(1) and §230-c(4)(b) authorize the Board to review determinations by hearing committees for professional medical conduct and to decide:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Pub.H.L. §230-c(4)(b) permits the Board to remand a case to the Committee for further consideration. Pub.H.L. §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

The Board has the authority to substitute our judgement for that of the Hearing Committee, in deciding upon a penalty Matter of Bogdan 195 AD 2d 86, 606 NYS 2d 381 (Third Dept. 1993), in determining guilt on the charges, Matter of Spartalis 205 AD 2d 940, 613 NYS 2d 759 (Third Dept. 1994), and in deciding credibility issues, Matter of Minielly \_\_AD 2d \_\_, 634 NYS 2d 856, 1995 N.Y. App. Div. LEXIS 12692 (Third Dept. 1995).

## **THE BOARD'S DETERMINATION**

The Board sustains the Hearing Committee's Determination that the Respondent's misconduct in other states constitutes a violation under Educ. L. §§6530(9)(b) & (d). The Board finds further that the Respondent's conduct in South Carolina and Montana would amount to practicing the profession fraudulently and with moral unfitness, in violation of Educ. L. §§6530(2) and 6530(20), if the Respondent had committed such conduct in New York. The Respondent did not contest his guilt on the charges either before the Committee or the Board.

The Board sustains the Committee's penalty revoking the Respondent's license to practice medicine in New York State. The Board finds the penalty appropriate. We reject the Respondent's contention that revocation is too severe in a case in which a physician has lied repeatedly on applications for licensure (see, Matter of Glassman, 208 AD2d, 617 NYS 2d 413 [Third Dept. 1994]).

Integrity is as essential to medical practice as skill and knowledge. Physicians must deal truthfully with each other, with their patients, with regulators and with third-party payors. The state licensing process must rely on honesty from physicians seeking licensure, to assure that the physician applicant can provide proper and safe care to the State's citizens. The Respondent lied repeatedly to states to conceal that he lost privileges at a hospital. This repeated dishonesty proves that the Respondent is unfit to practice medicine in New York.

**ORDER**

**NOW**, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Board **SUSTAINS** the Committee's May 2, 1996 Determination finding the Respondent guilty for professional misconduct.
  
2. The Board **SUSTAINS** the Committee's Determination revoking the Respondent's license to practice medicine in New York State.

**ROBERT M. BRIBER**

**SUMNER SHAPIRO**

**WINSTON S. PRICE, M.D.**

**EDWARD SINNOTT, M.D.**

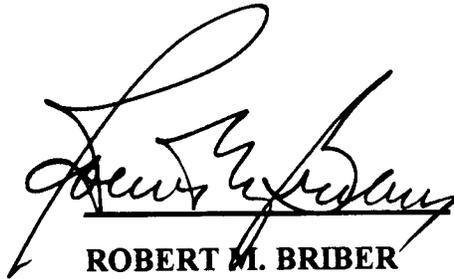
**WILLIAM A. STEWART, M.D.**

**IN THE MATTER OF ADOLPHUS REID ALLISON, JR, M.D.**

**ROBERT M. BRIBER**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Allison.

**DATED: Schenectady, New York**

Dec 23, 1996

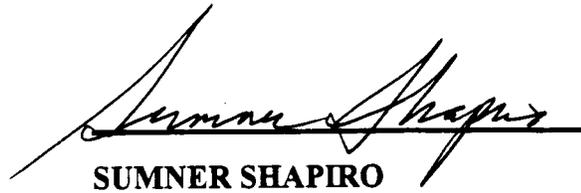
  
**ROBERT M. BRIBER**

**IN THE MATTER OF ADOLPHUS REID ALLISON, JR, M.D.**

**SUMNER SHAPIRO**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Allison.

**DATED: Delmar, New York**

Aug 23, 1996

  
**SUMNER SHAPIRO**

**IN THE MATTER OF ADOLPHUS REID ALLISON, JR, M.D.**

**WINSTON S. PRICE, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Allison.

**DATED: Brooklyn, New York**

8/23, 1996



A handwritten signature in black ink, appearing to read 'W.S. Price', is written over a solid horizontal line.

**WINSTON S. PRICE, M.D.**

**IN THE MATTER OF ADOLPHUS REID ALLISON, JR, M.D.**

**EDWARD C. SINNOTT, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Allison.

**DATED: Roslyn, New York**

Aug 23, 1996

A handwritten signature in black ink, appearing to read "Edward C. Sinnott, M.D.", written over a horizontal line. The signature is cursive and includes the year "1996" at the end.

**EDWARD C. SINNOTT, M.D.**

**IN THE MATTER OF ADOLPHUS REID ALLISON, JR, M.D.**

**WILLIAM A. STEWART, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Allison

**DATED: Syracuse, New York**

26 Aug., 1996

A handwritten signature in cursive script that reads "William A. Stewart". The signature is written in black ink and is positioned above the printed name.

**WILLIAM A. STEWART, M.D.**