



# STATE OF NEW YORK DEPARTMENT OF HEALTH

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

Mark R. Chassin, M.D., M.P.P., M.P.H.  
*Commissioner*

Paula Wilson  
*Executive Deputy Commissioner*

October 17, 1994

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

RECEIVED

OCT 17 1994

OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Timothy J. Mahar, Esq.  
Assistant Counsel  
NYS Department of Health  
Corning Tower - Room 2429  
Albany, New York 12237

John E. Christ, M.D.  
Bastrop County Jail  
SPN# 19053  
Cell Block 01A101  
1601 Mille Street  
Bastrop, Texas 78602

EFFECTIVE DATE 10/24/94

**RE: In the Matter of John E. Christ, M.D.**

Dear Mr. Mahar and Dr. Christ :

Enclosed please find the Determination and Order (No. 94-216) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler" followed by a stylized flourish.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mmn

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

-----X  
IN THE MATTER : DETERMINATION  
OF : AND  
JOHN E. CHRIST, M.D. : ORDER  
-----X  
NO. BPMC-94-216

A Notice of Referral Proceeding and Statement of Charges, both dated September 1, 1994, were served upon the Respondent, John E. Christ, M.D. **REV. JAMES H. MILLER (Chair), GERALD J. HAUSLER, D.O., and ROBERT A. MENOTTI, M.D.,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Timothy J. Mahar, Esq., Assistant Counsel. The Respondent failed to appear in person and was not represented by counsel. A hearing was held on October 5, 1994. Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with two specifications of professional misconduct pursuant to Education Law §6530(9)(a)(iii) and §6530(9)(b). A third specification was withdrawn by Petitioner at the hearing. A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. John E. Christ, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on March 10, 1976 by the issuance of license number 123047 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine. (Pet. Ex. #1).

2. On September 16, 1993, in the case of State of Texas v. John Ernest Christ (230th District Court, Harris County, Texas), Respondent was convicted of attempted first degree murder, in violation of Texas Penal Code §§15.01 and 19.02. More specifically, the jury found that on May 9, 1992, Respondent shot his wife, Carol Okeiff Christ, in the head with a firearm. Respondent was sentenced to twenty years in prison and the imposition of a \$10,000.00 fine. (Pet. Ex. #3).

3. The Texas State Board of Medical Examiners, by Agreed Order, dated January 14, 1994, found Respondent guilty of professional misconduct in violation of the Texas Medical Practice Act, based upon his conviction for attempted murder on September 16, 1993. (Pet. Ex. #4).

#### CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise. The Hearing Committee concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was convicted of attempted first

degree murder in Texas and sentenced to serve twenty years in prison. Respondent's conduct, if committed in New York State, would constitute a crime under New York Penal Law §110 [criminal attempt - with the intent to commit a crime, a person engages in conduct which tends to effect the commission of such crime] and §125.25(1) [murder in the second degree - with the intent to cause the death of a person, causing the death of such person]. As a result, the Committee voted to sustain the First Specification.

Respondent was also found guilty of professional misconduct and his Texas medical license was suspended by the Texas Board following the criminal conviction. As a result, the Hearing Committee voted to sustain the Third Specification of professional misconduct as well.

#### DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent was convicted of committing a vicious crime. He failed to offer any evidence which might mitigate the sanction to be imposed. Both Respondent's mother and sister submitted

letters requesting that the Hearing Committee delay action on the case until his appeals in Texas are exhausted. (See, Respondent's Exhibits A and B).

The Hearing Committee considered and rejected these requests. The conviction by the Texas court is a final action, and is presumed valid. There is no reason to presume that an appeal of such conviction is likely to be successful. The Committee is charged with the responsibility of protecting the people of New York State and maintaining the integrity of the medical profession. These responsibilities require a revocation of Respondent's license, as he is clearly unfit to practice the profession. In the event that Respondent's conviction is ultimately overturned, he may petition the Board of Regents for reinstatement of his medical license. However, under the circumstances, the Hearing Committee determined that revocation is the only appropriate sanction.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The First and Third Specifications of professional misconduct, as set forth in the Statement of Charges

(Petitioner's Exhibit # 1) are SUSTAINED;

2. Respondent's license to practice medicine in New York State be and hereby is REVOKED.

DATED: Albany, New York  
October 14 , 1994

  
\_\_\_\_\_  
REV. JAMES H. MILLER (CHAIR)

GERALD J. HAUSLER, D.O.  
ROBERT A. MENOTTI, M.D.

TO: Timothy J. Mahar, Esq.  
Assistant Counsel  
New York State Department of Health  
Tower Building - Room 2429  
Albany, New York 12237

John E. Christ, M.D.  
Bastrop County Jail  
SPN # 19053  
Cell Block 01A101  
1601 Mille Street  
Bastrop, Texas 78602

APPENDIX I

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

-----X

IN THE MATTER : NOTICE OF  
OF : REFERRAL  
JOHN E. CHRIST, M.D. : PROCEEDING

-----X

TO: JOHN E. CHRIST, M.D.  
Bastrop County Jail  
SPN#19053  
Cell Block 01A101  
1601 Mille Street  
Bastrop, Texas 78602

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 5th day of October, 1994 at 10:00 a.m. in the forenoon of that day at The Cultural Education Bldg. Room E, Concourse Level, Empire State Plaza, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall

be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before - September 23, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 23, 1994 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. 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 proceeding may be held whether or not you appear.

Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*September 1, 1994*

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

Inquiries should be addressed to:

TIMOTHY J. MAHAR  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
JOHN E. CHRIST, M.D. : CHARGES

-----X

JOHN E. CHRIST, M.D., the Respondent, was authorized to practice medicine in New York State on March 10, 1976, by the issuance of license number 123047 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent on September 16, 1993, in the case of State of Texas v. John Ernest Christ ( 230th District Court, Harris County, Texas) was convicted of attempted first degree murder, a felony, in violation of Texas Penal Code §§15.01 and 19.02. More specifically, on May 9, 1992, Respondent had shot his wife, Carol Okeiff Christ, in the head with a firearm.
- 2 Respondent on September 16, 1993, was sentenced to, among other things, twenty years in prison and the payment of a \$10,000 fine.

3. The act for which Respondent was convicted would, if committed in New York State, have constituted a crime under the N.Y. Penal Law §110 [criminal attempt - with the intent to commit a crime, a person engages in conduct which tends to effect the commission of such crime] and §125.25(1) [murder in the second degree - with the intent to cause the death of a person, causing the death of that person].
4. The Texas State Board of Medical Examiners, by Agreed Order, dated January 14, 1994, found Respondent guilty of professional misconduct in violation of Texas Medical Practice Act, based upon his conviction of attempted murder on September 16, 1993.
5. The Texas Board suspended Respondent's medical license until such time as the appeal of Respondent's criminal conviction is decided.
6. The conduct upon which the Texas Medical Board found Respondent guilty of professional misconduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(9)(a)(i) [being convicted of committing an act constituting a crime under New York State law] in conjunction with N.Y. Penal Law §110 [criminal attempt - with the intent to commit a crime, a person engages in conduct which tends to effect the commission of such crime] and §125.25(1) [murder

in the second degree - with the intent to cause the death of a person, causing the death of such person].

withdrawn  
by Dept.  
10/5/94  
JL

~~7. On September 28, 1989, Respondent in the case of The State of Texas v. John Ernest Christ, M.D. (County Criminal Court, No. 5, Harris County, Texas) was convicted of assault in violation of Texas Penal Code §22.01. More specifically, Respondent caused physical injury to Gay Christ, then his wife.~~

~~8. Respondent was sentenced to, among other things, 180 days probation and the payment of a \$375.00 fine.~~

~~9. The act for which Respondent was convicted would, if committed in New York State, have constituted a crime under N.Y. Penal Law §120 [assault in the third degree - with the intent to cause physical injury to another person, causes such injury to such person].~~

FIRST AND SECOND SPECIFICATION

CRIMINAL CONVICTION BY OTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1994) by reason of having been convicted of committing an act constituting a crime under the law of another jurisdiction in which, if committed within this State, would have constituted a crime under

New York State law in that Petitioner charges:

1. The facts in paragraphs 1 through 3.

~~2. The facts in paragraphs 7 through 9.~~

withdrawn  
by Dept.  
10/15/94 JY

THIRD SPECIFICATION

FINDING OF PROFESSIONAL MISCONDUCT BY OTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1994) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized disciplinary agency of another state, where the conduct upon which the the finding was based would, if committed in this State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

3. The facts in paragraphs 4 through 6.

DATED: September 1, 1994  
Albany, New York

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