STATE OF NEW YORK
DEPARTMENT OF HEALTH
433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

February 18, 2009

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

George G. Haughton, Jr., P.A.

Redacted Address

Debra J. Young, Esq.
Thuillez, Ford, Gold, Butler & Young, LLP
20 Corporate Woods Boulevard
Albany, New York 12211

Robert Bogan, Esq.
NYS Department of Health
Hedley Park Place
433 River Street – Suite 303
Troy, New York 12180

RE: In the Matter of George G. Haughton, Jr., P.A.

Dear Parties:

Enclosed please find the Determination and Order (No. 09-23) 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 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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the 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 penalties other than suspension or revocation 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
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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,

Redacted Signature

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

IN THE MATTER

OF

GEORGE G. HAUGHTON, JR., P.A.

DETERMINATION

AND

ORDER

BPMC #09-23

COPY

A hearing was held on January 21, 2009, at the offices of the New York State Department of Health, 433 River Street, Troy, New York. A Notice of Referral Proceeding and Statement of Charges, dated September 9, 2008, were served upon the Respondent, **GEORGE G. HAUGHTON, JR., P.A.** Pursuant to Section 230(10)(e) of the Public Health Law, **SCOTT GROUDINE M.D. (Chair), ALEXANDER YVARS M.D.** and **FRANCES TARLTON,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter "the Committee") in this matter. **KIMBERLY A. O'BRIEN, ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The New York State Department of Health ("the Petitioner") appeared by Thomas Conway, Esq., General Counsel, by **ROBERT BOGAN, ESQ.**, of counsel. The Respondent appeared in person and by his representative **DEBRA J. YOUNG, ESQ.** 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 when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is

charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). Copies of the Notice of Referral Proceeding and Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: George G. Haughton, Jr., P.A.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the evidence presented in this matter. All Findings and Conclusions herein are the unanimous determination of the Committee. Having heard testimony and considered evidence presented by the Department of Health, the Committee hereby makes the following findings of fact. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were unanimous unless otherwise noted.

1. **GEORGE G. HAUGHTON JR., P.A.** (hereinafter " Respondent"), was authorized to practice as a physician's assistant in New York State on September 1, 1978, by the issuance of license number 000978 by the New York State Education Department (Ex. 4).

2. On or about January 18, 2008, in the County Court of the State of New York, Nassau County, Mineola, New York, the Respondent was convicted and plead guilty to violating New York Penal Law (hereinafter NYPL) Section 165.71, Trademark Counterfeiting in the third degree, a Class A misdemeanor. On or about March 28, 2008, the Respondent was sentenced to a three (3) year probation and pay a $20.00 CVAF and a $140.00 surcharge (Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concluded that the Respondent has been convicted of acts constituting a crime under New York State Law and violated New York State Education Law Section 6530(9)(a)(i). The Hearing Committee has voted to sustain the sole specification set forth in Appendix 1. VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

It is unrefuted that the Respondent was recently convicted of a crime. The conviction relates to the Respondent knowingly manufacturing, reselling, selling or offering for sale software that bears a counterfeit trademark (Ex. 5).

The Respondent testified on his own behalf and offered compelling testimony about how his serious health issues have devastated him and his family, leaving him unable to practice as a physician's assistant for many years. The Respondent testified that after surgery and treatments on or about the year 2001, he was unable to read (Tr. 11-14). On or about the year 2006, the Respondent realized he was able to read again (Tr. 15-16). In 2006 he obtained a job as a physician's assistant in a private office based internal medicine practice, within a year of starting this job he was laid off, and has been unable to find work as a physician's assistant since that time (Tr. 16, 20-21). The Respondent explained that he began buying and selling items on "eBay" when he was not able to practice as a physician's assistant (Tr. 14-15). The Respondent said these "eBay"

sales made him enough money to put gas in the car or provide his children with lunch money (Tr. 14).

The Hearing Committee was moved by the Respondent's account of his personal struggles and was impressed that the Respondent has maintained his sobriety for the past seven years. However, the Hearing Committee was concerned by the Respondent's failure to take responsibility for his actions that lead to the 2008 criminal conviction. Despite the Respondent's criminal plea, at the hearing he denied knowing that the software he possessed was counterfeit, and while he acknowledged that he was represented by counsel in the criminal proceeding, he said he did not fully understand or read his plea (Tr.24-28).

In this instance, the Hearing Committee's role was to determine what if any sanction was appropriate to protect the pu blic. While the Hearing Committee believes that the Respondent is not likely to repeat the activity that lead to the 2008 criminal conviction, they felt that the sanction must address the fact that the Respondent recently engaged in criminal activity involving fraudulent business practices, and has not practiced as a physician's assistant for most of six or seven of the past eight years. After carefully weighing Respondent's recent criminal conviction and his prior consent order against the mitigating evidence offered by the Respondent at the hearing, the Hearing Committee concluded that in order to protect the public the Respondent's license shall be suspended for five years with one year of actual suspension. During the year of actual suspension, the Respondent shall successfully complete sixty (60) hours of continuing medical education including fifteen (15) hours in the area of ethics and forty-five (45) hours in the area of internal medicine. The Respondent shall be on probation for the four-year period of stayed suspension. The specific terms of probation are set forth in the "Terms of Probation" attached and made part of this Determination and Order and marked as Appendix A .

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice as a physician's assistant in New York State is hereby suspended for five years with one year of actual suspension. During the year of actual suspension the Respondent shall successfully complete sixty (60) hours of continuing medical education including fifteen (15) hours in the area of ethics and forty-five (45) hours in the area of internal medicine. The Respondent shall be on probation for the four-year period of stayed suspension (See Appendix A).

2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: , New York
_____ 2009

Redacted Signature

SCOTT GROUDINE M.D. (CHAIR)
ALEXANDER YVARS, M.D.
FRANCES TARLTON

TO: George G. Haughton Jr., P.A.
605 East Marion Drive
East Meadow, N.Y. 11554

Debra J. Young, Esq.
Thuillez, Ford, Gold, Butler & Young LLP
20 Corporate Woods Blvd.
Albany, N.Y. 12211

Robert Bogan
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
433 River Street
Troy, New York 12180

APPENDIX I

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

EXHIBIT
1
JL EV 1/21/09

IN THE MATTER	**NOTICE OF**
OF	**REFERRAL**
GEORGE G. HAUGHTON, JR., P.A. **aka GEORGE HAUGHTON, P.A.** **CO-08-04-2535-A**	**PROCEEDING**

TO: GEORGE G. HAUGHTON, JR., P.A.
aka GEORGE HAUGHTON, P.A.

Redacted Address

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 15th day of October, 2008, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

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, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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
Sept. 9, 2008

Redacted Signature

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

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF	STATEMENT OF CHARGES
GEORGE G. HAUGHTON, JR., P.A. aka GEORGE HAUGHTON, P.A. CO-08-04-2535-A	

GEORGE G. HAUGHTON, JR., P.A., aka GEORGE HAUGHTON, P.A., Respondent, was authorized to practice medicine in New York state as a Physician Assistant, on September 1, 1978, by the issuance of license number 000978 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 18, 2008, in the County Court of the State of New York, Nassau County, Mineola, New York, Respondent was found guilty, based on a plea of guilty, of trademark counterfeiting in the second degree, in violation of New York Penal Law, §165.71, a class A misdemeanor, and on or about March 28, 2008, was sentenced to three (3) years probation, a $20.00 CVAF, and a $140.00 surcharge.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: Sept. 9, 2008
Albany, New York

Redacted Signature

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

Appendix A
Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.

2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), 433 River Street, 4th Floor, Troy, New York 12180; 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. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.

4. Respondent's license shall be suspended for five (5) years with one (1) year of actual suspension and a four(4) year probation during the period of stayed suspension ("period of probation"). 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. 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.

5. During the one year of actual suspension, the Respondent shall successfully complete sixty (60) hours of Continuing Medical Education ("CME") approved by the Director of OPMC. Fifteen (15) hours of CME shall be completed in the in the area of ethics and forty-five (45) hours of CME shall be completed in the area of internal medicine. If the Respondent fails to successfully complete the aforementioned CME during the one- year period of actual suspension, then the Respondent shall be suspended for the four-year period of probation, and 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.

6. Within thirty (30) days of the effective date of the four-year period of probation, the Respondent shall maintain medical malpractice insurance coverage with limits no less than $2 million per occurrence and $6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC within sixty (60) days of the effective date of the period of probation.

7. 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.