



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

February 1, 1991

Carlton Blake, Physician
343 Washington Avenue
Roosevelt, N.Y. 11575

Re: License No. 089251

Dear Dr. Blake:

Enclosed please find Commissioner's Order No. 11414. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er
Enclosures

CERTIFIED MAIL- RRR

cc: David E. Ruck, Esq.
Bourgeois & Ruck
230 Park Avenue, Suite 2830
New York, N.Y. 10169

RECEIVED

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Department of Professional
Medical Conduct

**REPORT OF THE
REGENTS REVIEW COMMITTEE**

CARLTON BLAKE

CALENDAR NO. 11414



The University of the State of New York

IN THE MATTER
of the
Disciplinary Proceeding
against

CARLTON BLAKE

No. 11414

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

CARLTON BLAKE, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On November 7, 1990, respondent appeared before us in person and was represented by his attorney, David E. Ruck, Esq. Paul Stein, Esq., represented the Department of Health.

It is our Ruling that the statement of charges be deemed amended, as requested by petitioner, to reflect the technical fact that respondent was convicted in the "District Court" rather than the "Supreme Court".

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was a one year suspension, stayed and probation.

CARLTON BLAKE (11414)

Respondent's written recommendation as to the penalty to be imposed, should respondent be found guilty, was a Censure and Reprimand.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge, annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent be Censured and Reprimanded upon the charge of which he has been found guilty.

Respondent was convicted under Penal Law §175.30, of the class A misdemeanor of offering a false instrument for filing in the second degree. This crime does not involve the element of an intent to defraud. Compare Penal Law §175.35 (offering a false instrument for filing in the first degree). The crime upon which

CARLTON BLAKE (11414)

respondent was convicted involved respondent's filing of Medicaid claim forms when he knew that they contained a false statement or false information. Respondent certified the accuracy of the claim forms and then filed them with the knowledge and belief that they were false.

At the time respondent committed the relevant underlying conduct, respondent acted under the belief that his conduct was consistent with what was traditionally true in psychiatry. With respect to respondent's guilt, we agree with petitioner that respondent's behavior was unacceptable. Bills, whether for a Medicaid, insured, or private patient, should be completed honestly and ethically. A licensee must scrupulously assure the accuracy of his claims regardless of the conduct of others. A physician licensed to practice in the State should not knowingly make false claims or attempt to find an excuse for such conduct. Although respondent's belief as to the appropriateness of his conduct shows that he did not intend to defraud Medicaid, he did file the claim forms knowing that it was false to claim that he had performed 31 minutes to an hour of professional service. There is no justification for committing criminal or dishonest conduct within respondent's professional practice.

In arriving at the measure of discipline to be imposed on respondent, we gave great weight to the testimony of the Director of the Department of Psychiatry (also the Medical Director) at the

CARLTON BLAKE (11414)

hospital where respondent presently practices that respondent is rendering superior and excellent care to a very needy community. We have also considered that, as a result of respondent's conviction of one count for services provided to one supposed patient, respondent resigned the position he held at that time, was terminated from the Medicaid and GHI programs, paid a \$500 fine, and made restitution in the amount of \$1,000 even though he only sought to receive, at most, \$105 to which he was not entitled from the services in question. Respondent has learned from this experience that he should not bill for an amount of time for which he did not provide services and that it is his responsibility to assure his claims are appropriate. We have also considered the medical services and centers respondent was involved with or developed, the lack of any prior misconduct by respondent, and the testimony that respondent, notwithstanding his conviction, will competently and valuably serve his community. Accordingly, we accept respondent's recommendation, in view of the mitigating circumstances found in his entire career and of our expectation that respondent's misconduct will not recur.

Respectfully submitted,

GERALD J. LUSTIG, M.D.

MELINDA AIKINS BASS

PATRICK J. PICARIELLO


Chairperson

Dated: January 8, 1991

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

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IN THE MATTER : STATEMENT
OF : OF
CARLTON BLAKE, M.D. : CHARGES

-----X

CARLTON BLAKE, M.D., the Respondent, was authorized to practice medicine in New York State on September 10, 1962 by the issuance of license number 089251 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, 1989 through December 31, 1991.

SPECIFICATION

HAVING BEEN CONVICTED OF
AN ACT CONSTITUTING A CRIME
UNDER NEW YORK STATE LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509(5)(a)(i) (McKinney 1985) in that he has been found guilty of committing an act constituting a crime under New York State law, specifically:

On or about November 14, 1989, the Respondent was convicted after a plea of guilty in the Supreme Court of the State of New York, County of Suffolk, of:

(1) Offering a False Instrument for Filing in the Second Degree in violation of New York State Penal Law section 175.30 in that on or about and between May 6, 1987 and December 20, 1987, knowing that written instruments contained false statements and false information, offered and presented them to a public office and public servant with the knowledge and belief that they would be filed with, registered and recorded in or otherwise become part of the records of such office and public servant; in that Carlton Blake, a psychiatrist, submitted Medical Assistance Health Insurance Claim Forms (Medicaid) to Computer Sciences, a fiscal agent of the State of New York, which falsely represented that he had provided thirty-one (31) minutes to one (1) hour of psychiatric services on numerous occasions to an undercover police officer posing as a

Medicaid recipient ID No. BK30748A when in truth, and in fact, as Carlton Blake well knew, he had provided less than 31 minutes of service on those occasions.

On or about January 9, 1990, the respondent was sentenced to pay a \$500.00 fine or to serve 30 days in the county jail.

DATED: NEW YORK, NEW YORK
October 4, 1990

Roy Nemerson #3

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical
Conduct

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

CARLTON BLAKE

CALENDAR NO. 11414



The University of the State of New York

IN THE MATTER

OF

CARLTON BLAKE
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11414

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 11414, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (January 23, 1991): That the record herein be accepted, that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of CARLTON BLAKE, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent is Censured and Reprimanded upon the charge of which respondent has been found guilty; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

CARLTON BLAKE (11414)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 31st day of
January, 1991.
Thomas Sobol
Commissioner of Education