



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

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*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

February 7, 2002

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Thomas Alderson, M.D.  
1380 Ridge Road  
Laurel Hollow, New York 11791

RE: License No. 106179

Dear Dr. Alderson:

Enclosed please find Order #BPMC 02-50 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 7, 2002.

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 to 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: Raymond J. Furey, Esq.  
Furey Kerley Walsh Matera & Cinquemani, PC  
200 Old Country Road, Suite 660  
Mineola, New York 11501

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

**IN THE MATTER  
OF  
THOMAS ALDERSON, M.D.**

Consent Order  
of License Limitation  
BPMC No. 02-50

Upon the application of THOMAS ALDERSON, M.D. ("Respondent") in the attached Consent Agreement and Order of License Limitation, the Board hereby adopts its provisions and issues a Consent Order of License Limitation based upon its terms. This Order shall be effective upon issuance by the Board, either by first class mail to Respondent at his designated address or by certified mail to Respondent's attorney OR upon transmission via facsimile to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 2/5/02

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

**IN THE MATTER  
OF  
THOMAS ALDERSON, M.D.**

Consent Agreement  
and  
Order of License  
Limitation

THOMAS ALDERSON, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 1, 1970, I was licensed to practice as a physician in the State of New York, having been issued License No. 106179 by the New York State Education Department. I am currently retired from the practice of medicine.

My current residence address is 1380 Ridge Road, Laurel Hollow, N.Y. 11791. My most recent office address was 1120 Hicksville Road, Massapequa, N.Y. 11758. I will advise the Director of the Office of Professional Medical Conduct of any change of my addresses.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is attached, made a part of this Consent Agreement and Order of License Limitation ("Order"), and marked as Exhibit "A".

I do not contest the First Specification. I agree to the following penalty:

My license to practice medicine shall be limited, pursuant to §230-a of the Public Health Law, to preclude me from diagnosing, treating, operating, or prescribing for any human

disease, pain, injury deformity, or physical condition.

I further agree that the Order for which I apply shall impose the following conditions:

- That Respondent shall, within 30 days of the issuance of the Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning these prescriptions and surrendering this registration, Respondent shall provide documentary proof of those transaction(s) to the Director of OPMC; and
- That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to all requests by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and shall provide all information and documents within Respondent's control, upon the direction of OPMC, and shall, during January of every year, submit to the Director of OPMC signed, notarized written statements

setting forth whether or not Respondent has complied during the prior year with all conditions imposed by the Order.

- Respondent shall comply with all conditions set forth in attached Exhibit "B" ("Guidelines for Closing a Medical Practice.")

These conditions shall take effect upon the issuance of the Order by the Board and will continue while I possess my license. I hereby stipulate that any failure by me to comply with these conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Agreement and Order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that if this Application is not granted by the Board, nothing contained in this Application shall bind me or shall be construed as an admission by me of any alleged misconduct, this Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of any professional misconduct disciplinary proceeding; and the Board's denial shall be without prejudice to the continuance of any disciplinary proceeding and the Board's final determination, pursuant to the Public Health Law.

I agree that, if the Board grants my Application, an Order of the Chair of the Board shall be issued in accordance with its terms. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I make this Application of my own free will and accord and not under duress, compulsion or restraint of any kind. In consideration of the value to me of the Board's acceptance of this Application, allowing me to resolve this matter without the risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

  
THOMAS ALDERSON, M.D.  
RESPONDENT

DATED January 2, 2002

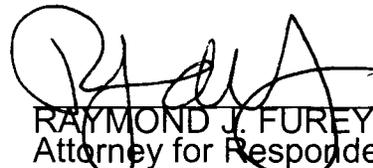
Sworn to before me  
on this 2<sup>nd</sup> day of  
January 2002

  
NOTARY

**LAUREN B. BRISTOL**  
Notary Public, State of New York  
No. 02BR5043845  
Qualified in Nassau County  
Commission Expires May 15, 2002

The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the Application's terms and conditions.

DATE: January 2, 2002

  
RAYMOND J. FUREY, ESQ.  
Attorney for Respondent

DATE: January 15, 2002

  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: February 04, 2002

  
DENNIS J. GRAZIANO  
Director  
Office of Professional  
Medical Conduct

**"EXHIBIT A"**

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

**IN THE MATTER  
OF  
THOMAS ALDERSON, M.D.**

**STATEMENT  
OF  
CHARGES**

THOMAS ALDERSON, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1970, by the issuance of license number 106179 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent failed to maintain records for each of Patients A, B and C that accurately reflect the care and treatment of the patient.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

1. Paragraph A.

DATED: November , 2001  
New York, New York

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Roy Nemerson  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE**

1. Respondent shall immediately cease and desist from engaging in the practice of medicine, in compliance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall, within thirty (30) days of the effective date of the Order, deliver his current biennial registration document to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
3. Respondent shall, within thirty (30) days of the issuance of the Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and, within 30 days thereafter, shall provide proof to the Director of OPMC of such notification.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty (30) days of the effective date of the Order, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact person who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered by the Respondent to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.
5. Respondent shall, within fifteen (15) days of the effective date of the Order, if he holds a Drug Enforcement Agency (DEA) certificate, advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall, within fifteen (15) days of the effective date of the Order, return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, Respondent shall properly dispose of all medications.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Within fifteen (15) days of the effective date of the Order, Respondent shall cause all signs to be removed and all advertisements and professional listings to be discontinued that represent his eligibility to practice medicine, whether in telephone directories, billings, professional stationery or otherwise.

EXHIBIT "B"

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered to, and/or disbursements incurred upon, a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine, and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in civil or criminal penalties as authorized by law. Under Section 6512 of the Education Law, it is a Class E Felony, punishable by imprisonment for up to four (4) years, to practice the profession of medicine when one's professional license has been suspended, revoked or annulled. This punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which include fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.