



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

April 13, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Bert Beverly, M.D.
18 East Side Road
Trevett, Maine 04571

RE: License No. 180019

Effective Date: 04/20/95

Dear Dr. Beverly:

Enclosed please find Order #BPMC 95-87 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,


C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Timothy Mahar, Esq.

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

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IN THE MATTER :
OF : ORDER
BERT BEVERLY, M.D. : BPMC #95-87

-----X

Upon the Application of BERT BEVERLY, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

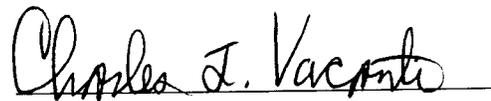
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 12 April 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
BERT BEVERLY, M.D. : LICENSE

-----X

STATE OF MAINE)

ss.:

COUNTY OF SAGADOC)

BERT BEVERLY, being duly sworn, deposes and says:

On or about June 8, 1994, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 180019 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical

Conduct for permission to surrender my license as a physician in the State of New York.

I hereby plead guilty to the allegations and two Specifications contained in the Statement of Charges (Exhibit A).

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

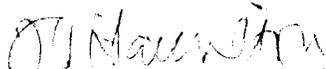
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



BERT BEVERLY, M.D.
Respondent

Sworn to before me this
27th day of March, 1995



NOTARY PUBLIC

Lisa V. Hamilton
Attorney at Law

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
BERT BEVERLY, M.D. : LICENSE

-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 3/27, 1995

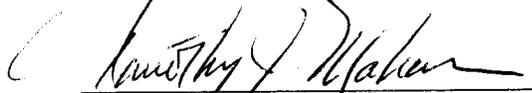


BERT BEVERLY, M.D.
Respondent

Date: _____, 1995

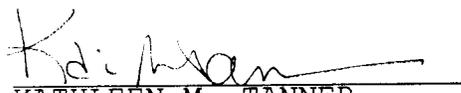
_____, Esq.
Attorney for Respondent

Date: March 31, 1995



TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 11, 1995



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 12 April, 1995



CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
BERT BEVERLY, M.D. : CHARGES

-----X

BERT BEVERLY, M.D., Respondent, was authorized to practice medicine in New York State on September 19, 1989, by the issuance of license number 180019 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. The Maine Board of Registration in Medicine (Maine Board) by Order dated June 8, 1994, approved of a Consent Agreement entered into by the Respondent which imposed the following discipline upon Respondent:

a) Restricted Respondent's medical license in the following respects:

- (i) Prohibited Respondent from ordering, storing or dispensing any scheduled drug;
- (ii) Required Respondent to write triplicate prescriptions for all controlled substances which he prescribed;

b) Prohibited Respondent from using alcohol or any drugs, except those prescribed by a physician with knowledge of Respondent's history of substance abuse;

c) Required Respondent to submit for the remainder of his medical career to substance monitoring as required, including weekly testing or urine samples for the first year of the consent agreement;

d) Required Respondent to attend monthly counseling sessions for substance abuse for the first year of the consent agreement;

e) Required Respondent to attend Alcoholics Anonymous and Narcotic Anonymous meetings at least three times a week for the first year of the consent agreement and at least once each week through the next four years.

2) The conduct underlying the Maine Board's imposition of discipline upon Respondent consisted of, among other things the following:

- a) Respondent was convicted upon a plea of guilty of two counts of operating a motor vehicle under the influence of alcohol or drugs in violation of 29 Maine Revised Statutes Annotated §1312-B in the Maine District Court on September 23, 1993, (Bath-Brunswick, Docket No. 93-00564);
- b) Respondent has a documented history of alcohol and drug addiction, which includes the use and possession of controlled substances, primarily benyodiazepines and opiates.

3) The conduct upon which the Maine Board took disciplinary action against Respondent's license, would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(8) [being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates,

amphetamines, hallucinogens, or other drugs having similar effects] and/or N.Y. Educ. Law §6530(9)(a)(iii) [being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within New York, would have constituted a crime under New York State law] in connection with Vehicle and Traffic Law §1192(1) and/or (2) [no person shall operate a motor vehicle while his ability to operate such motor vehicle is impaired by the consumption of alcohol or drugs].

4. On or about September 23, 1993, Respondent was convicted upon a plea of guilty of two counts of operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor or drugs in the case of State of Maine v. Bert Beverly, (Maine District Court; Division of Bath-Brunswick; 93-00564).

5. More specifically, on February 16, 1993, and again on February 17, 1993, Respondent operated or attempted to operate a motor vehicle while under the influence of an intoxicating liquor or drugs.

6. Respondent was sentenced to a total fine of \$850.00; the suspension of his driver's license for 90 days; counseling; probation for one year, the terms of which required Respondent to, among other things, refrain from the possession or use of intoxicating liquor or drugs.

7. The acts for which Respondent was convicted in the State of Maine would, if committed in New York State, have constituted a crime under N.Y. Vehicle and Traffic Law §1192(1) and/or (2) [driving while ability impaired by alcohol and/or drugs].

FIRST SPECIFICATION

DISCIPLINE BY OTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(9)(d) (McKinney Supp. 1995) by reason of having disciplinary action taken against his license to practice medicine by a duly authorized professional disciplinary agency of another state, where the conduct resulting in disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs 1 through 3.

SECOND SPECIFICATION

CRIMINAL CONVICTION BY OTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1995) 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:

2. The facts in paragraphs 4 through 7.

DATED: , 1995

Albany, New York

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