



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

November 29, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street
Hedley Park Place – 4th Floor
Troy, New York 12180

Richard Riddick Honablue, M.D.
8025 Belroi Road
Gloucester, Virginia 23601

Richard Riddick Honablue, M.D.
Highway 629
Gloucester, Virginia 23601

Paul Maher, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street
Hedley Park Place – 4th Floor
Troy, New York 12180

Richard Riddick Honablue, M.D.
110 Carey Street
Williamsburg, Virginia 23185

RE: In the Matter of Richard Riddick Honablue, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 99-294) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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:

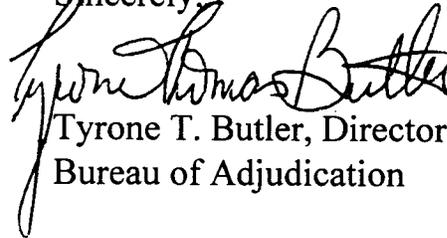
James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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,

A handwritten signature in cursive script, appearing to read "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB: mla

Enclosure

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

DETERMINATION
AND
ORDER

IN THE MATTER
OF
RICHARD RIDDICK HONABLUE, M.D.

ORDER # 99-294

COPY

A Notice of Referral Proceedings and Statement of Charges, both dated May 20, 1999, were served upon the Respondent, **RICHARD RIDDICK HONABLUE, M.D.**

MICHAEL R. GOLDING, M.D., Chairperson, **DONNA B. O'HARE, M.D.** and **CHARLOTTE S. BUCHANAN, ESQ.**, duly designated 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. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on November 17, 1999, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person on his own behalf.

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 Section 6530(9). In such case, a licensee is charged with misconduct based upon 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

WITNESSES

For the Petitioner:

None

For the Respondent:

Richard Riddick Hoablue, M.D., the Respondent

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis 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. All Hearing Committee findings were unanimous unless otherwise stated.

1. **RICHARD RIDDICK HONABLUE, M.D.**, the Respondent, was authorized to practice medicine in New York state on October 24, 1980, by the issuance of license number 143956 by the New York Education Department. (Pet's. Ex. 4)

2. On June 5, 1998, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine, (hereinafter "Virginia Board"), issued a Consent Order, (hereinafter "Virginia Order"), that placed the Respondent on indefinite probation with terms and conditions, required him to undergo a comprehensive psychological evaluation, and forbade him to employ or supervise physician assistants or to serve as supervising physician for nurse practitioners.

The action by the "Virginia Board" was based on findings and the Respondent's admissions, that he pre-signed prescription blanks for use by a physician's assistant, failed to review and sign chart notes within twenty-four (24) hours of care being rendered, and was responsible for submitting, or causing to be submitted, claims to (CHAMPUS), the Civilian Health and Medical Program of the Uniformed Services which were false or fraudulent in the amount of \$126, 146.00. (Pet's. Ex. 5)

3. By ORDER, entered November 10, 1999, the Virginia Board "ORDERED that Dr. Honablue be issued a REPRIMAND for his failure to comply with Terms 6 and 10 of the Consent Order of the Board entered June 5, 1998 within the time frames stipulated. Further, the Committee ORDERS that the INDEFINITE PROBATION imposed upon Dr.

Honablue's license to practice medicine is TERMINATED, and his license to practice medicine in the Commonwealth of Virginia is reinstated to a full and unrestricted status will all attendant rights and privileges."

HEARING COMMITTEE CONSLUSIONS

The Hearing Committee concludes that the conduct resulting in the Virginia Board's June 5, 1998 disciplinary action against the Respondent would, if committed in New York, constitute misconduct under the laws of New York state.

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent testified on his own behalf but he did not offer any convincing or credible evidence in mitigation of the charges against him.

The Hearing Committee has reviewed the entire record in this case and determines unanimously (3-0) that the Respondent's admitted professional misconduct in Virginia was of such an egregious nature so as to warrant REVOCATION of his New York state medical license, notwithstanding the most recent ORDER of the Virginia Board of Medicine.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is hereby REVOKED.
2. This **ORDER** shall be effective upon service on the Respondent or Respondent's attorney by personal service or by certified or registered mail.

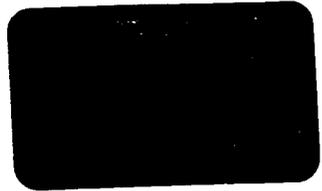
DATED: Troy, New York
Nov. 27 1999


MICHAEL R. GOLDING, M.D.
Chairperson

DONNA B. O'HARE, M.D.
CHARLOTTE S. BUCHANAN, ESQ.

APPENDIX I

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



-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
RICHARD RIDDICK HONABLUE, M.D. : PROCEEDING

-----X

TO: RICHARD RIDDICK HONABLUE, M.D.
8025 Belroi Road
Gloucester, VA 23601

RICHARD RIDDICK HONABLUE, M.D.
Highway 629
Gloucester, VA 23601

RICHARD RIDDICK HONABLUE, M.D.
110 Carey St.
Williamsburg, VA 23185

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 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 23rd day of June, 1999 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 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, 5th Floor, 433 River Street, Troy, New York 12180, 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 June 13, 1999.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you must file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to 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 an 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 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 June 13, 1999 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
May 20, 1999

Peter D. Van Buren

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

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street
Suite 303
Troy, NY 12180
(518) 402-0820

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

-----X

IN THE MATTER : STATEMENT
OF : OF
RICHARD RIDDICK HONABLUE, M.D. : CHARGES

-----X

RICHARD RIDDICK HONABLUE, M.D., the Respondent, was authorized to practice medicine in New York state on October 24, 1980, by the issuance of license number 143956 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 5, 1998, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine, (hereinafter "Virginia Board"), issued a Consent Order, (hereinafter "Virginia Order"), that placed Respondent on indefinite probation with terms and conditions, required him to undergo a comprehensive psychological evaluation, and forbade him to employ or supervise physician assistants or to serve as supervising physician for nurse practitioners, based on findings and Respondent's admissions, that he pre-signed prescription blanks for use by a physician's assistant, failed to review and sign chart notes within twenty-four (24) hours of care being rendered, and was responsible for submitting, or causing to be submitted, claims to CHAMPUS, which were false or fraudulent in the amount of

\$126,146.00.

B. The conduct resulting in the Virginia Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);

2. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion);

3. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);

4. New York Education Law §6530(20) (moral unfitness);

5. New York Education Law §6530(32) (failing to maintain accurate records); and/or

6. New York Education Law §6530(33) (failing to exercise appropriate supervision).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *May 20*, 1999
Albany, New York

Peter D. Van Buren

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