



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., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

June 14, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Diane Abeloff, Esq.
NYS Department of Health
5 Penn Plaza – 6th Floor
New York, New York 10001

Micheal Kelton, Esq.
Lippman, Krasnow & Kelton
711 Third Avenue, Suite 1806
New York, New York 10017

George Coppa, M.D.
112 Jerome Road
Staten Island, New York 10305

George Coppa, M.D.
3010 Amboy Road
Staten Island, New York 10306

RE: In the Matter of George Coppa, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 02-199) 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), 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 black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

**IN THE MATTER
OF
GEORGE COPPA, M.D.**

**DETERMINATION
AND
ORDER
BPMC #02-199**

COPY

The undersigned Hearing Committee (hereinafter “the Committee”) consisting of **ROBERT KLUGMAN, M.D.**, Chairperson, **JILL M. RABIN, M.D.**, and **VICTOR B. MARROW, Ph.D.** was duly designated and appointed by the State Board for Professional Medical Conduct.

FREDERICK ZIMMER, ESQ., Administrative Law Judge, served as Administrative Officer.

The hearing was conducted pursuant to the provisions of Section 230 (10) of the New York Public Health Law and Sections 301-307 and 401 of the New York State Administrative Procedure Act. The purpose of the hearing was to receive evidence concerning alleged violations of Section 6530 of the New York State Education Law by **GEORGE COPPA, M.D.** (hereinafter referred to as Respondent).

The New York State Board For Professional Medical Conduct (hereinafter referred to as the State or Petitioner) appeared by **DONALD P. BERENS, ESQ.** General Counsel, **DIANE ABELOFF, ESQ.**, of Counsel. Respondent appeared by **MICHAEL KELTON, ESQ.** of **LIPPMAN, KRASNOW & KELTON.**

Witnesses were sworn or affirmed and examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record. There were numerous motions and briefs which are all part of the record herein whether submitted to the Trier of Fact or not.

The Committee has considered the entire record in the above captioned matter and hereby renders its decision.

RECORD OF PROCEEDINGS

Date of Service of Notice of Hearing and Statement of Charges:	2/12/02, 2/13/02
Respondent's Answer Served:	4/11/02
First Amended Statement of Charges Dated:	4/15/02
Amended Answer Served:	4/19/02
Dates of Hearing:	5/15/02, 5/22/02
Witnesses for Petitioner:	Patient A's Husband David Bowman Loretta Allen

Witnesses for Respondent:

None

STATEMENT OF CHARGES

The Statement of Charges originally alleged five specifications of professional misconduct. The Respondent acknowledged service of the Notice of Hearing and Statement of Charges (Transcript of pre-hearing conference at page 4 [hereinafter “p.”]). An Amended Statement of Charges (Petitioner’s Exhibit 1A [hereinafter Pet. Ex.]) was accepted into evidence alleging eight specifications of misconduct including allegations of engaging in physical contact of a sexual nature with a patient in the practice of psychiatry, engaging in conduct which evidences moral unfitness to practice the profession and willfully making or filing a false report, or failing to file a report required by law or by the Department of Health or the Education Department. A copy of the Amended Statement of Charges is attached to this Determination and Order as Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Unless otherwise noted, all Findings and Conclusions herein are the unanimous determination of the Committee. 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 established by at least a preponderance of the evidence.

Having heard testimony and considered evidence presented by the Petitioner and the Respondent respectively, the Committee hereby makes the following findings of fact;

1. GEORGE COPPA, (hereinafter the Respondent), was authorized to practice medicine in New York State on June 18, 1984 by the issuance of license number 158458 by the New York State Education Department (Pet. Ex. 3, 3B).

2. The Respondent is currently registered with the New York State Education Department to practice medicine from 112 Jerome Road, Staten Island, New York 10305 (Pet. Ex. 3).

3. The Respondent rendered psychiatric treatment to Patient A from approximately October of 1997 until May of 2000 (Transcript [hereinafter "T."] at pages [hereinafter "pp."] 18-19, 39-42, 48-49; Pet. Ex. 4 and 4A generally re patient-physician relationship).

4. Patient A has suffered from bipolar disorder since 1992-1993 which manifested itself in, among other things, hypersexuality (T. at pp. 26-27, 37, 56).

5. Patient A had been involved in a lawsuit with a previous treating psychiatrist which alleged that the previous treating psychiatrist had been involved in a sexual relationship with her (T. at pp. 32, 56-57).

6. Respondent was aware of the allegations concerning the previous treating psychiatrist's sexual relationship with Patient A (T. at p. 60).

7. During the course of Respondent's treatment of Patient A, on a number of occasions, he engaged in physical contact of a sexual nature with Patient A in that, Patient A performed oral and manual sex upon Respondent and Respondent rubbed Patient A's breasts (Petitioner's Ex. 4 and 4A, pp. 18, 21-23, 37, 39).

8. Respondent, in March of 1999 was notified that he was suspended without pay from his duties as psychiatrist at the Brooklyn Developmental Disabilities Service Office as a result of misconduct/incompetency (Pet. Ex. 6A).

9. Respondent, on his medical licensure registration application, dated December 3, 1999, for the registration period of January 1, 2000 through December 31, 2001, answered falsely to Question 2c by checking "No" in response to the question "Has any hospital or licensed facility restricted or terminated your professional training, employment or privileges...due to professional misconduct, unprofessional conduct, incompetency, or negligence" when he knew he was suspended without pay at the Brooklyn Developmental Disabilities Service Office for misconduct/incompetency (Pet. Ex. 3B).

10. Respondent was terminated from employment at the Brooklyn Developmental Disabilities Service Office via an Arbitrator's Opinion and Award, dated December 18, 1999. The Arbitrator found that there was probable cause to suspend the Respondent and that Respondent's actions were disruptive to the care and treatment of consumers and that his disregard for treatment plans placed consumers in danger (Pet. Ex. 6).

11. Respondent, on his medical licensure registration application, dated September 1, 2002, for the registration period of January 1, 2002 through December 31, 2003, answered falsely to Question 2c by checking "No" in response to the question "Has any hospital or licensed facility restricted or terminated your professional training, employment or privileges...due to professional misconduct, unprofessional conduct, incompetency, or negligence?" when he knew he was terminated from the Brooklyn Developmental Disabilities Service Office for misconduct/incompetency (Pet. Ex. 3).

12. Respondent was terminated from employment as a psychiatrist at the South Beach Psychiatric Center via an Arbitrator's Opinion and Award, dated September 3, 2000 on the basis of five charges of misconduct/incompetency (Pet. Ex. 5).

13. Respondent, on his medical licensure registration application, dated September 1, 2002, for the registration period of January 1, 2002 through December

31, 2003, answered falsely to Question 2c by checking “No” in response to the question “Has any hospital or licensed facility restricted or terminated your professional training, employment or privileges...due to professional misconduct, unprofessional conduct, incompetency or negligence?” when he knew he had been terminated from the South Beach Psychiatric Center for misconduct/incompetency (Pet. Ex. 3).

CONCLUSIONS

The following conclusions were made pursuant to the Findings of Fact listed above. The Hearing Committee concluded that the following Factual Allegations were proven by a preponderance of the evidence (the paragraphs noted refer to those set forth in the Statement of Charges, Factual Allegations). The citations in parentheses refer to the Findings of Fact (supra), which support each Factual Allegation:

Paragraph A: (3, 7 except for that part of the allegation which relates to Patient B);

Paragraph C: (12, 13);

Paragraph D: (8, 9);

Paragraph E: (10, 11);

The Hearing Committee unanimously concluded that the following Specifications should **be sustained**. The citations in parentheses refer to the Factual Allegations from the Statement of Charges, which support each specification.

**PHYSICAL CONTACT OF A SEXUAL NATURE WITH A PATIENT
IN THE PRACTICE OF PSYCHIATRY**

First Specification: (Paragraph A as it pertains to Patient A);

**ENGAGING IN CONDUCT IN THE PRACTICE OF MEDICINE WHICH
EVIDENCES MORAL UNFITNESS TO PRACTICE MEDICINE**

Third Specification: (Paragraph A as it pertains to Patient A);

Fifth Specification: (Paragraphs C, D, and E);

FILING A FALSE REPORT

Sixth Specification: (Paragraph C);

Seventh Specification: (Paragraph D); and

Eighth Specification: (Paragraph E).

DISCUSSION

Respondent failed to personally attend either of the hearing days before the Committee on May 15 or May 22, 2002 (T. at pp. 6 and 84). The Committee was informed that they may but did not have to draw a negative inference from the failure of the Respondent to testify and that they could construe the evidence in the strongest possible light against the Respondent by finding that the allegations against Respondent are true. The Committee did elect to draw such an inference and concluded that the allegations against Respondent, with the exception of those concerning Patient B, are true.

The Committee heard a tape (Pet. Ex. 4) of a conversation between Respondent and Patient A on which Respondent admitted his sexual relationship with Patient A. The Committee gave great weight to the tape and found that it supported the allegations concerning Patient A. The Committee notes with regard to Respondent's relationship with Patient A that the Respondent appearing through his attorney conceded that Respondent did have a sexual relationship with Patient A as set forth in the tape of Respondent's conversation with Patient A (T. at p. 84; Pet. Exhibit 4;) and that Respondent's conduct with Patient A who was his patient "is clearly wrong" (T. at p. 14).

Based on the preponderance of evidence, the Hearing Committee concludes that Respondent engaged in sexual contact with Patient A, a patient in his psychiatric practice on a number of occasions over the period when she was his patient which extended from approximately October of 1997 through May of 2000 and sustains that part of Factual Allegation A concerning Patient A, as well as the First Specification insofar as that specification pertains to Patient A.

The Committee also concludes that Respondent's relationship with Patient A evidences moral unfitness to practice medicine and sustains the Third Specification insofar as that specification relates to Patient A. The Committee construed moral unfitness to practice medicine in its plain meaning. The Committee found Respondent's sexual misconduct with Patient A morally despicable and noted that in dealing with Patient A who was hypersexual, Respondent, by virtue of his psychiatric training, should have been familiar with the implications of counter transference and known that he had a professional and moral duty to avoid a sexual relationship with Patient A. The Committee also noted that notwithstanding the nature of Respondent's "therapy sessions" with Patient A as portrayed on the tape, Respondent even billed Patient A for his services (T. at pp. 36-37; Pet. Ex. 4; Pet. Ex. 4A at pg. 26).

No proof was submitted with regard to the allegations concerning Patient B and the Committee does not sustain that part of Factual Allegation A concerning Patient B nor does the Committee sustain Factual Allegation B concerning Respondent's relationship with Patient B. Further, the Committee does not sustain Specifications 1 and 3 insofar as those specifications relate to Patient B, nor does the Committee sustain Specifications 2 and 4.

The Committee sustains Factual Allegations C, D and E concerning Respondent's false answers on the licensure registration applications as being supported by the evidence and also draws an inference that Factual Allegations C, D and E which alleged that Respondent intended to deceive by virtue of his false answers on the applications are true based on Respondent's failure to come forward and testify before the Committee concerning the allegations against him. It is noted, too, that Respondent, through his counsel, offered "no excuse" for Respondent's failure to "correctly" or "accurately answer" on the applications (T. at p. 14). The Committee found repugnant Respondent's intentional failure to truthfully respond to the questions on his registration applications and concluded that the false answers given by him with an intent to deceive the Education Department further evidenced his moral unfitness to practice medicine. The Committee, therefore, sustains the Fifth Specification. The Committee also concludes that Respondent willfully made or filed false reports in that he intended

to deceive the Education Department by virtue of the false answers given by him on the applications filed with the Education Department. The Committee, therefore, sustains the Sixth, Seventh and Eighth Specifications.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions set forth above, and based on the totality of the Specifications, unanimously determined that Respondent's license to practice medicine in New York State should be revoked and that no sanction short of revocation would adequately protect the public. The Committee also imposed a civil penalty of Five Thousand (\$5,000.00) Dollars upon Respondent for each of Specifications 1 and 5 for a total civil penalty of Ten Thousand (\$10,000.00) Dollars.

Respondent's counsel referred the Committee to a Third Department case and an Administrative Review Board Determination and Order in which revocation was not imposed upon physicians who had engaged in sexual relations with patients and urged that the Committee follow the example of these cases by imposing a lesser penalty than revocation. The Committee declines to do this. The Committee views sexual misconduct cases as being fact specific and notes that revocation has been found to be an appropriate penalty in cases of sexual misconduct.

In this case, Respondent was treating Patient A who was bi-polar and had a history of hypersexuality including having had a sexual relationship with a prior treating psychiatrist. Yet, Respondent exploited her sexually for his own gratification. The Committee views Respondent as having perverted the privileges and authority he holds as a physician and psychiatrist to obtain personal gratification for his own ends and as having disregarded basic tenets of psychiatry that psychiatrists not engage in sexual contact with patients. The Committee was particularly disturbed that Respondent would exploit a patient who was clearly vulnerable. The Committee notes that contrary to the assertion that Respondent and Patient A were engaged in a “consensual” relationship which implies equality between the patient and psychiatrist, Respondent, throughout the tape (Pet’s Ex. 4) is referred to as Dr.Coppa by Patient A.

In reaching this penalty, the Committee noted that Respondent did not testify as to any of the allegations or even attend the hearing before the Committee. The Committee believed that this showed utter disregard for the professional disciplinary process, particularly after Respondent declined to attend the second hearing day following a representation by Respondent’s counsel that Respondent would be testifying on the second hearing day (T. at p. 75). The Committee felt that Respondent should have had sufficient regard for his license that he would at least personally offer some explanation or apology for his conduct.

The Committee viewed Respondent's overall conduct as outrageous particularly when his sexual misconduct is combined with his intentional deceptions on the registration applications. The Committee found Respondent's overall conduct so morally objectionable and disturbing that revocation alone was not considered an adequate penalty and the Committee has, therefore, imposed the civil penalties described above to further the point that neither the sexual misconduct described in the first Specification nor the moral unfitness relating to Respondent's intentional deception on the registration applications as described in the Fifth Specification will be tolerated.

ORDER

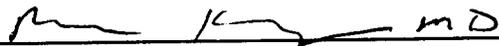
Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First and Third Specifications as set forth in the Statement of Charges (Appendix I) are **SUSTAINED** insofar as those Specifications apply to Patient A. The First and Third Specifications are **DISMISSED** insofar as they apply to Patient B. The Second and Fourth Specifications are **DISMISSED**. The Fifth, Sixth, Seventh and Eighth Specifications of professional misconduct are **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED** and a civil penalty of Five Thousand (\$5,000.00) Dollars is imposed upon Respondent for each of the First and Fifth Specifications for a total civil penalty of Ten Thousand (\$10,000.00) Dollars.

DATED: Plainview, New York

June 13, 2002



ROBERT KLUGMAN, M.D.
Chairperson

JILL M. RABIN, M.D.
VICTOR B. MARROW, Ph.D.

TO:

Diane Abeloff
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George Coppa, M.D.
3010 Amboy Road
Staten Island, New York 10306

APPENDIX I

IN THE MATTER
OF
GEORGE COPPA, M.D.

AMENDED
STATEMENT
OF
CHARGES

*Retrieved 1A In Good
4-24-02*

GEORGE COPPA, M.D., the Respondent, was authorized to practice medicine in New York State in or about 1984, by the issuance of license number 158458 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On several occasions during the years 1997, 1999 and 2000, Respondent engaged in sexual contact with Patients A and B (identified in Appendix "A"), who were patients of his psychiatric practice.
- B. On several occasions during the year 1997, Respondent engaged in sexual contact with Patient B (identified in Appendix "A"), who was a patient at his psychiatric practice.
- C. On his application to renew his NYS medical license registration for the period 01/01/02 - 12/31/03, Respondent, with intent to mislead, failed to disclose the termination of his professional relationship with South Beach Psychiatric Center.
- D. On his application to renew his NYS medical license registration for the period 01/01/00 - 12/31/01, Respondent, with intent to mislead, failed to disclose the restriction of his professional relationship with Brooklyn Developmental Center.
- E. On his application to renew his NYS medical license registration for the period 01/01/02 - 12/31/03, Respondent, with intent to mislead, failed to

disclose the termination of his professional relationship with Brooklyn Developmental Center.

SPECIFICATION OF CHARGES

FIRST AND SECOND SPECIFICATIONS

Sexual Contact

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(44) by engaging in physical contact of a sexual nature with a patient in the practice of psychiatry, as alleged in the facts of:

1. Paragraph A
2. Paragraph B

THIRD THROUGH FIFTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

3. Paragraph A
4. Paragraph B
5. Paragraph C through E

SIXTH THROUGH EIGHTH SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

6. Paragraph C
7. Paragraph D
8. Paragraph E.

DATED: April 15, 2002
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct