



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

January 31, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Walter Marcus, Esq.
Kern, Augustine, Conroy & Schoppmann, P.C.
420 Lakeville Road
Lake Success, New York 11042

George E. St. Hill, M.D.
25 West 132nd Street - Apt. 5C
New York, New York 10037

RECEIVED
JAN 31 1995
MEDICAL CONDUCT

Irene Koch, Esq
NYS Dept. of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

RE: In the Matter of George E. St Hill, M.D.

Effective Date: 02/07/95

Dear Dr. St Hill, Mr. Marcus and Ms. Koch:

Enclosed please find the Determination and Order (No. 94-210) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

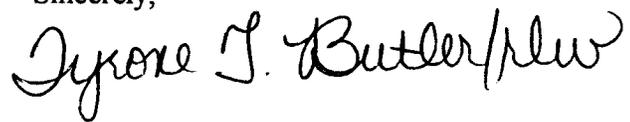
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler" followed by a stylized flourish that appears to be "rlw".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:

Enclosure

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

IN THE MATTER

OF

GEORGE ST. HILL

**ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
BPMC 94-210**

The Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, SUMNER SHAPIRO, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.**¹ held deliberations on December 9, 1994 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) September 27, 1994 Determination finding Dr. George St. Hill (Respondent) guilty of professional misconduct. The Respondent requested the Review through a Notice which the Board received on October 24, 1994. James F. Horan served as Administrative Officer to the Review Board. Walter R. Marcus, Esq. filed a brief for the Petitioner on December 1, 1994. Irene M. Koch, Esq. filed a brief for the Office of Professional Medical Conduct (Petitioner) on December 7, 1994.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and

¹Dr. Stewart participated in the Conference Call through a telephone conference.

- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i), which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent had been found guilty of conduct in a prior administrative adjudication in another state, which would constitute misconduct in New York State. The Committee found that the Medical Board of California revoked the Respondent's medical license on February 25, 1994 after finding that the Respondent submitted a fraudulent medical report form and a fraudulent itemized list, in order to receive reimbursement for medical treatment which he claimed that he received following an automobile accident. The Hearing Committee concluded that the California hearing clearly established that the Respondent had attempted to defraud his insurance company by submitting false medical claims worth several thousand dollars. The Hearing Committee concluded that the Respondent's conduct, if committed in New York, would constitute practicing the profession fraudulently and willfully making or filing a false report.

The Hearing Committee voted to revoke the Respondent's license to practice medicine. The Committee noted that the Respondent had claimed at the hearing to be remorseful, but the Committee

concluded that the Respondent's actions demonstrated that he does not deserve a second chance. The Committee found that the California Board had found the Respondent to be totally lacking in credibility. The Committee found further that the Respondent demonstrated his lack of truthfulness at the hearing when the Petitioner established on cross-examination that the Respondent lied under oath in the California disciplinary hearing. The Committee found further that the Respondent had failed to disclose the existence of the California charges on a Nebraska license application, that the Respondent made false and misleading statements concerning his disciplinary history and practice experience on his New York license application, on his application for privileges at Geneva General Hospital and on an application submitted to a Family Care Center.

The Committee concluded that the Respondent was unwilling or unable to be truthful in his professional practice. The Committee determined that a suspension or probation would do little to protect the public, and that revocation was the only possible sanction.

REQUESTS FOR REVIEW

The Respondent asserts that the Hearing Committee's penalty was inappropriate and unduly harsh. The Respondent acknowledges that his fraudulent activities in California evinced extremely poor judgement. The Respondent asserts that he is contrite and disputes the Hearing Committee's finding that the Respondent is unwilling or unable to be truthful in his practice. The Respondent concedes that some level of punishment is warranted in New York, but contends that the Committee's punishment does not fit the offense and would compound and exacerbate an existing injustice.

The Respondent asserts that there was never any dispute concerning his skills as a physician and there is no danger to the public from his continuing to practice medicine. The Respondent asserts that the only purpose that the revocation of his license would serve is further punishment from which no one would benefit. The Respondent asks that the Review Board designate a more appropriate penalty that would allow the Respondent to continue serving the public in New York.

The Petitioner asks the Review Board to uphold the Hearing Committee's Determination. The Petitioner argues that the Hearing Committee's conclusion that the Respondent was unwilling or

unable to be truthful in his professional practice was based not only on the fraudulent acts in California but also on a consistent pattern of lies and misrepresentations that are established in the record. The Petitioner notes that the California Board found the Respondent's testimony at his California hearing to be totally lacking in credibility. The Petitioner notes that the Hearing Committee in this case concluded that the Respondent lied under oath in the California proceeding and the Respondent provided false and misleading statements on his New York License application and on his applications to a hospital and a clinic. The Petitioner argues that the Respondent's pattern of rampant lies and misrepresentations warrant revocation.

REVIEW BOARD DETERMINATION

The Review Board has considered the record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination finding Dr. St. Hill guilty of professional misconduct based upon the California Board's administrative determination finding the Respondent guilty of fraud.

The Review Board votes unanimously to sustain the Hearing Committee's Determination to revoke the Respondent's license to practice medicine in New York State. The Determination is consistent with the Hearing Committee's findings and with the Committee's conclusion that the Respondent was unable or unwilling to be truthful in his professional practice.

The Hearing Committee found that in addition to the fraudulent insurance claims in California, the Respondent made further misrepresentations under oath in the California disciplinary hearing, on his license application in New York and on his application to a hospital and to a clinic. The repeated pattern of misrepresentations supports the Hearing Committee's conclusion that the Respondent is unable or unwilling to be truthful in his professional practice and undermines the Respondent's assertion that he is genuinely contrite and regrets his acts.

After much discussion, the Review Board found unanimously that revocation is the only appropriate penalty in this case. Following the California proceeding for fraud, the Respondent

should have been aware that fraudulent acts by a physician would lead to serious consequences. The Respondent, however, continued his pattern of misrepresentation in New York on both his application to the State and to the health care facilities. The Review Board can see no other means to stop the Respondent's pattern of professional misconduct than to revoke the Respondent's license to practice medicine in New York State.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **sustains** the Hearing Committee on Professional Medical Conduct's September 27, 1994 Determination finding Dr. George St. Hill guilty of professional misconduct.

2. The Review Board **sustains** the Hearing Committee's Determination revoking the Respondent's license to practice medicine in New York State.

ROBERT M. BRIBER

SUMNER SHAPIRO

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

WILLIAM B. STEWART, M.D.

IN THE MATTER OF GEORGE ST. HILL, M.D.

SUMNER SHAPIRO, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. St. Hill.

DATED: Delmar, New York

Dec. 28, 1994


SUMNER SHAPIRO

IN THE MATTER OF GEORGE ST. HILL, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. St. Hill.

DATED: Roslyn, New York

December 23, 1994

A handwritten signature in cursive script, reading "Edward C. Sinnott, M.D.", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF GEORGE ST. HILL, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. St. Hill.

DATED: Syracuse, New York

27 Dec, 1994

A handwritten signature in cursive script that reads "William A. Stewart". The signature is written in black ink and is positioned above the printed name.

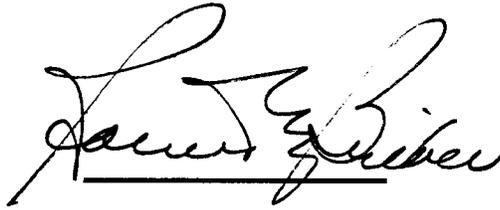
WILLIAM A. STEWART, M.D.

IN THE MATTER OF GEORGE ST. HILL, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. St. Hill.

DATED: Albany, New York

12/29, 1994

A handwritten signature in cursive script, appearing to read "Robert M. Briber", written over a horizontal line.

ROBERT M. BRIBER

IN THE MATTER OF GEORGE ST. HILL, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. St. Hill.

DATED: Brooklyn, New York

_____, 1994



WINSTON S. PRICE, M.D.