



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

July 22, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Roy Nemerson, Esq.
NYS Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

Melissa Hunt, M.D.
87 Robinhood Road
Clifton, New Jersey 07013

Michael Handwerker, Esq.
Handwerker, Marchelos & Gayner
350 Broadway - 10th Floor
New York, New York 10013

RE: In the Matter of Melissa Hunt, M.D.

Dear Mr. Nemerson, Dr. Hunt and Mr. Handwerker:

Enclosed please find the Supplemental Decision and Order (No. 97-120) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

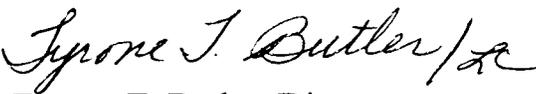
The notice of review served on the Administrative Review Board should be forwarded to:

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 that reads "Tyrone T. Butler" followed by a stylized flourish.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:lcc
Enclosure

IN THE MATTER
OF
MELISSA HUNT, M.D.

The undersigned Hearing Committee consisting of **KENNETH KOWALD**, Chairperson, **ANDREW CONTI, M.D.** and **JACK SCHNEE, M.D.**, were duly designated and appointed by the State Board for Professional Medical Conduct. **MARY NOE**, Administrative Law Judge served as Administrative Officer.

A supplemental hearing was conducted pursuant to the provisions of Sections 51.7 of the NYCRR to reconvene for deliberation in light of Dr. Hunt's failure to pursue treatment pursuant to the terms of the sanctions originally decided by the panel dated May 22, 1997 and confirmed by the ARB decision.

The Committee has reviewed the Statement of Charges, the prior Determination and Order, the ARB's decision, correspondence between the New York State Department of Health and the Respondent and the Respondent's attorney, the Affidavit of Service between the New York State Department of Health and the Respondent and Respondent's attorney.

Upon the consideration of the foregoing the Committee decision is as follows:

SIGNIFICANT LEGAL RULINGS

The Administrative Law Judge issued instructions to the Committee with regard to service of the Determination and Order upon the Respondent and the Respondent's attorney and of all significant decisions affecting the Respondent. The New York State Department of Health, Deputy Counsel, Bureau of Professional Medical Conduct has satisfied the legal requirement of service upon Respondent and Respondent's attorney and has used additional and extra-ordinary personal service. As a matter of law, service upon the Respondent has been satisfied.

PROPOSED CONCLUSIONS OF LAW

1. Respondent has failed to comply with the probation requirement to enter into a program with the Physician's Assistance Program as set forth in the "Sanction" of the Determination and Order.
2. Respondent's illness and her failure to treat said illness impairs her ability to practice medicine.
3. Respondent's condition continues to be an unacceptable risk which would place her patients in danger.
4. The Respondent continues to be represented by counsel, Handwerker, Marchelos & Gayner.
5. Respondent's counsel has failed to respond to mail, answer telephone calls and make the least amount of effort to acknowledge the serious nature of this matter. In fact, Respondent's legal counsel has flagrantly ignored this office, and in so doing has been derelict in their responsibility as counsel.

DETERMINATION OF THE HEARING COMMITTEE

The Hearing Committee after reviewing all the penalty options available has decided the following:

Respondent's license be **REVOKED.**

DATED: Richmond Hill, New York
July 20, 1998



KENNETH KOWALD
Chairperson

ANDREW CONTI, M.D.
JACK SCHNEE, M.D.