



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*

April 3, 2001

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Robert Bogan, Esq.  
NYS Department of Health  
Hedley Park Place  
433 River Street -4<sup>th</sup> Floor  
Troy, New York 12180

Edward James Alexander, M.D.  
270 South 60<sup>th</sup> Street  
P.O. Box 509  
Philadelphia, Pennsylvania 19139

Edward James Alexander, M.D.  
6136 Christian Street  
Philadelphia, Pennsylvania 19143

Edward James Alexander, M.D.  
P.O. Box 251  
Egg Harbor City, New Jersey 08215

Edward James Alexander, M.D.  
612 Whitehorse Pike  
Egg Harbor City, New Jersey 08215

Edward James Alexander, M.D.  
244 North Frankfurt Avenue  
Egg Harbor Township, New Jersey  
08232

**RE: In the Matter of Edward James Alexander, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-81) 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.

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.

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.

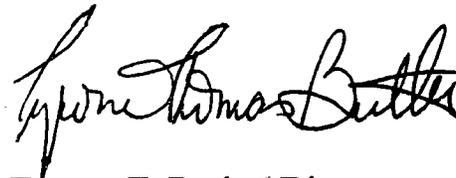
The notice of review served on the Administrative Review Board should be forwarded to:

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

BPMC 01-81

**IN THE MATTER**  
**OF**  
**EDWARD JAMES ALEXANDER, M.D.**

A Notice of Referral Proceeding and Statement of Charges, both dated February 27, 2001, were served upon the Respondent, **EDWARD JAMES ALEXANDER, M.D.**

**RICHARD ASHLEY, M.D.** Chairperson, **KENDRICK SEARS, M.D.** and **MR. IRVING CAPLAN**, duly designated members 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 March 22, 2001 at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, 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 a 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 1.

**WITNESSES**

For the Petitioner:

NONE

For the Respondent:

Edward James Alexander, 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 number 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. **EDWARD JAMES ALEXANDER, M.D.**, the Respondent, was authorized to practice medicine in New York State on July 2, 1984, by the issuance of license number 158756 by the New York State Education Department. (Pet's Ex. 4)
  
2. On January 11, 2001, the New Jersey State Board of Medical Examiners, by a Consent Order, suspended Respondent's license to practice medicine and surgery for two (2) years, the first eight (8) months to be served as a period of active suspension, the remainder as a period of probation.  
  
He was required, among other things, to have periodic meetings with the Medical Director of the Board of Medical Examiners; to take and successfully pass the next scheduled SPECS examination; he was fined \$2500.00 (Stayed); and ordered to pay administrative costs in the amount of \$6792.40.  
  
The action by the "New Jersey Board" was based on his failure to cooperate with the New Jersey Board by not appearing for his scheduled appearances; failure to provide change of address to the Board; leaving confidential medical records unsecured and unprotected and for maintaining records which fall below the appropriate standard of care. (Pet's. Exs. 5 and 6).

### HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the New Jersey Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to:

New York Education Law §6530(32) (failing to maintain accurate records) and/or  
New York Education Law §6530(40) (failing to provide access by qualified persons  
to patient information).

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by 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 Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other 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 record in this case indicates that on January 11, 2001 the New Jersey State Board of Medical Examiners, by a Consent Order, suspended Respondent's license to practice medicine and surgery for two (2) years, the first eight (8) months to be served as a period of active suspension, the remainder as a period of probation.

He was required, among other things, to have periodic meetings with the Medical Director of the Board of Medical Examiners; to take and successfully pass the next scheduled SPECS examination; he was fined \$2500.00 (Stayed); and ordered to pay administrative costs in the amount of \$6792.40.

The action by the "New Jersey Board" was based on his failure to cooperate with the New Jersey Board by not appearing for his scheduled appearances; failure to provide change of address to the Board; leaving confidential medical records unsecured and unprotected; and for maintaining records which fall below the appropriate standard of care.

The Respondent appeared on his own behalf at the present hearing and gave sworn testimony concerning the circumstances of his conduct which led to the disciplinary action by the New Jersey Board.

The violations which were the basis for the New Jersey Boards action were essentially administrative in nature.

The Hearing Committee has reviewed the New Jersey Board's Order of January 11, 2001 and finds that the terms and conditions of probation imposed by that Order are appropriate, given the circumstances of this case. Based on the foregoing, the Hearing Committee determines that the interests of justice in this case can best be served by placing the Respondent on probation under the terms and conditions hereinafter set forth in this Order.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The Respondent is placed on **PROBATION** under the following terms and conditions:

- The Respondent shall comply fully with the New Jersey Board's Order of January 11, 2001.
  - The Respondent shall provide a written authorization for the New Jersey Board to provide the Director of the New York State Office of Professional Conduct, (OPMC) , with any/all information or documentation as requested by OPMC to enable OPMC to determine whether the Respondent is in compliance with the "New Jersey Board's" Order.
  - The Respondent shall submit, quarterly, a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Respondent has been in compliance with the New Jersey ORDER during the declaration period specified.
2. If, at some future date, the Respondent chooses to return to practice in New York he must:
- Provide ninety (90) days prior notice concerning his return to the Office of Professional Medical Conduct.
  - Include with the notice proof that his license remains in good standing in all states where he maintains a license:
  - Provide information concerning this disciplinary action to any New York hospital at which he applies for privileges and/or employment.

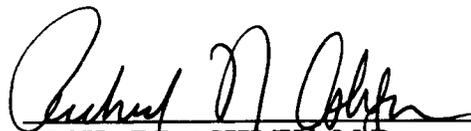
3. On returning to practice in New York, the Respondent will be placed on one (1) year probation under the following terms and conditions:

- Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
- Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street, Fourth Floor, Troy, New York 12180; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
- Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations.

- Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to , a review of office records , patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
- Respondent shall fully cooperate with and respond in a timely manner to request from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
- The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return in New York State.

4. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against the Respondent as may be authorized pursuant to the law.
  
5. This Order shall be effective upon service on the Respondent or Respondent's attorney by personal service or by certified or registered mail.

DATED: Rockville Centre, New York  
April 2, 2001

  
RICHARD ASHLEY, M.D.,  
CHAIRPERSON

KENDERICK SEARS, M.D.  
MR. IRVING CAPLAN

APPENDIX I

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

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IN THE MATTER

OF

EDWARD JAMES ALEXANDER, M.D.  
CO-00-08-3790-A

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NOTICE OF  
REFERRAL  
PROCEEDING

TO: EDWARD JAMES ALEXANDER, M.D.  
270 S. 60<sup>th</sup> Street  
P.O. Box 509  
Philadelphia, PA 19139

EDWARD JAMES ALEXANDER, M.D.  
6136 Christian Street  
Philadelphia, PA 19143

EDWARD JAMES ALEXANDER, M.D.  
P.O. Box 251  
Egg Harbor City, NJ 08215

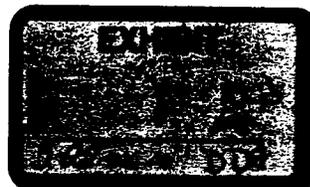
EDWARD JAMES ALEXANDER, M.D.  
612 Whitehorse Pike  
Egg Harbor City, NJ 08215

EDWARD JAMES ALEXANDER, M.D.  
244 North Frankfurt Avenue  
Egg Harbor Township, NJ 08232

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 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 22<sup>nd</sup> day of March 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. 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 that 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, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before March 12, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall 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 of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such 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 such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before March 12, 2001, 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  
*February 27*, 2001

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

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0820

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

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IN THE MATTER  
OF  
EDWARD JAMES ALEXANDER, M.D.  
CO-00-08-3790-A

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STATEMENT  
OF  
CHARGES

EDWARD JAMES ALEXANDER, M.D., the Respondent, was authorized to practice medicine in New York state on July 2, 1984, by the issuance of license number 158756 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 11, 2001, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), suspended Respondent's license to practice medicine and surgery for two (2) years, the first eight (8) months to be served as a period of active suspension, the remainder as a period of probation with condition's, and imposed a \$2,500.00 penalty and \$1,792.40 costs, based on his failure to cooperate with the New Jersey Board by not appearing for his scheduled appearances, failure to provide change of address to the Board, leaving confidential medical records unsecured and unprotected, and records which fall below the appropriate standard of care.

B. The conduct resulting in the New Jersey Board's disciplinary actions 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(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine).
2. New York Education Law §6530(32) (failing to maintain accurate records); and/or
3. New York Education Law §6530(40) (failing to provide access by qualified persons to patient information).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by 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 Petitioner charges:

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

#### **SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530 (9)(d) by having his license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: *February 27*, 2001  
Albany, New York

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