



STATE OF NEW YORK DEPARTMENT OF HEALTH

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

September 30, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Elizabeth C. Hogan
Assistant Counsel
NYS Department of Health
ESP Corning Tower Building
25th Floor
Albany, New York 12237

Peter C. Meyers, M.D.
1530 Kings Highway
Shreveport, Louisiana 71115

RE: In the Matter of Peter C. Meyers, M.D.

Dear Ms. Hogan and Dr. Meyers :

Enclosed please find the Determination and Order (No. 94-206) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
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.

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), "(t)he 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 all action 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.

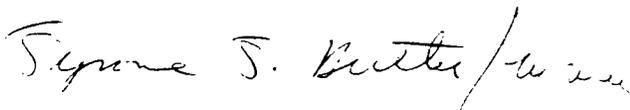
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

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

**IN THE MATTER
OF
PETER C. MEYERS, M.D.**

**DETERMINATION
AND
ORDER**

NO: BPMC-94-206

A Notice of Hearing and Statement of Charges, both dated June 6, 1994, were served upon the Respondent Peter C. Meyers, M.D. Anthony C. Biondi (Chair), Ernst A. Kopp, M.D. and David T. Lyon, M.D., 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. JEFFREY ARMON, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. A hearing was held on July 27, 1994. The Department of Health appeared by Elizabeth C. Hogan, Assistant Counsel. The Respondent did not appear. 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

The 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 cases, 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, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses 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.

1. Peter C, Meyers, M.D. (hereinafter "Respondent") was authorized to practice medicine in New York State on October 17, 1974 by the issuance of license number 122236 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

2. On or about August 19, 1991, Respondent entered into a Consent Order with the Louisiana State Board of Medical Examiners in which Respondent was ordered to serve a three year term of probation, during which time he was to undergo continuing psychiatric treatment, and prohibited, for the duration of his medical career, from prescribing controlled substances as they may be enumerated in Federal and State Law, except to order medications or write prescriptions for institutionalized or hospital inpatients, under the permit or license of the institution or hospital.

3. The conduct underlying the Louisiana Board's imposition of discipline upon Respondent, as set forth in the Consent Agreement, was the inability to practice medicine with

reasonable skill or safety to patients because of a mental illness or deficiency, in violation of LSA - R.S. §37:1285(A)(25); the ordering of controlled substances for dispensation in the absence of appropriate licensure and/or registration with the Board, in violation of LSA - R.S. §37:1285(a)(6); and violation of the rules and regulation of the Board, in violation of LSA - R.S. §37:1285(a)(29).

4. Respondent was personally served with the Notice of Hearing and Statement of Charges (Dept. Ex.1) on June 10, 1994, (Pet. Ex. 2)

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that Respondent had been properly served with the Notice of Hearing and Statement of Charges based upon the Affidavit of Personal Service (Pet Ex.2), and that it had obtained jurisdiction over Respondent in this matter as a result.

The committee determined that the Department had met its burden of proof by demonstrating by a preponderance of the evidence that the Louisiana State Board of Medical Examiners took disciplinary action against Respondent's license to practice medicine in that State. The basis for such action was conduct which, had it been committed in New York State, would have constituted professional misconduct pursuant to New York Education Law Section 6530(7), (8) and/or (16) [practice of the profession while impaired by mental disability, having a psychiatric condition which impairs the licensee's ability to practice and/or a willful failure to comply with substantial provisions of state laws, rules or regulations governing the practice of medicine]. Therefore, the Hearing Committee voted to sustain the Specification of professional

misconduct contained within the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

In reaching this determination, the Hearing Committee considered that in the Consent Order, Respondent acknowledged that he ordered controlled substances for dispensation in the absence of appropriate licensure and/or registration with the Louisiana Board and further acknowledged that he suffered from depression and was in need of continuing treatment for such condition. In addition, the Committee noted the Respondent's apparent lack of interest in retaining his New York license based upon his repeated failures to contact the Department's counsel to discuss this matter and his failure to appear at this hearing. (T. 4-5) The Hearing Committee believed that Respondent's misconduct in Louisiana was serious and that the public would be best protected in the future by the revocation of his license to practice in New York State.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is SUSTAINED;

2. Respondent's license to practice medicine in New York State be and hereby is REVOKED.

DATED: Albany, New York

Sep. 29, 1994


Anthony C. Biondi (Chair)
Ernst A. Kopp, M.D.
David T. Lyon, M.D.

TO: Elizabeth C. Hogan
Assistant Counsel
NYS Department of Health
ESP Corning Tower Building
25th Floor
Albany, New York 12237

Peter C. Meyers, M.D.
1530 Kings Highway
Shreveport, Louisiana 71115

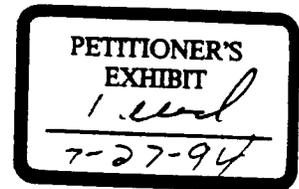
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
PETER C. MEYERS, M.D. : PROCEEDING

-----X

TO: Peter C. Meyers, M.D.
1530 Kings Highway
Shreveport, Louisiana 71115



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 27th day of July, 1994 at 10:00 o'clock in the forenoon of that day at the Court of Claims, Courtroom #1, Justice Building, Empire State Plaza, Albany, New York 12237.

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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, 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 July 18, 1994.

You may file a written answer, 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 July 18, 1994 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
June 6, 1994

Peter D. Van Buren

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

Inquiries should be addressed to:

Elizabeth C. Hogan
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
PETER C. MEYERS, M.D. : CHARGES

-----X

PETER C. MEYERS, the Respondent, was authorized to practice medicine in New York State on October 17, 1974, by the issuance of license number 122236 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. The Louisiana State Board of Medical Examiners, by Final Order dated August 22, 1991 and pursuant to a Consent Agreement entered into between the Board and Respondent, took disciplinary action against Respondent. The Board ordered Respondent to serve a three year term of probation, during which he undergo continuing psychiatric treatment, and prohibited Respondent, for the duration of his medical career, from prescribing controlled substances as they may be enumerated in Federal and State law, except that he may order medications or write prescriptions for institutionalized or hospital in-patients, under the permit or license of the institution or hospital.

2. The conduct underlying the Louisiana Board's imposition

of discipline upon Respondent, as set forth in the Consent Agreement, was the inability to practice medicine with reasonable skill or safety to patients because of a mental illness or deficiency, in violation of LSA - R.S. §37:1285(A) (25); the ordering of controlled substances for dispensation in the absence of appropriate licensure and/or registration with the Board, in violation of LSA - R.S. §37:1285(A) (6); and violation of the rules and regulations of the Board, in violation of LSA - R.S. §37:1285(A) (29).

3. The conduct underlying the Louisiana Board's imposition of discipline, would, if committed in New York State, constitute professional misconduct under New York Education Law §6530(7) [practicing the profession while impaired by mental disability]; and/or New York Education Law §6530(8) [having a psychiatric condition which impairs the licensee's ability to practice]; and/or New York Education Law §6530(16) [A willful failure to comply with substantial provisions of state laws, rules, or regulations governing the practice of medicine].

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1994) by reason of his having his license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license 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 Paragraphs 1, 2, and 3.

DATED: *June 6*, 1994
Albany, New York

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