



STATE OF NEW YORK DEPARTMENT OF HEALTH

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

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

Karen Schimke
Executive Deputy Commissioner

April 10, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Karen Eileen Carlson, Esq.
NYS Dept. of Health
Rm. 2429 Corning Tower
Empire State Plaza
Albany, New York 12237

Robert H. Iseman, Esq.
Iseman, Cunningham, Reister & Hyde
9 Thurlow Terrace
Albany, New York 12203

Stephen Ancier, M.D.
P.O. Box 4351
21 Brookfield Road
Upper Mountclair, New Jersey 07043-4351

RECEIVED
APR 10 1995
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

RE: In the Matter of Stephen Ancier, M.D.

Effective Date: 04/17/95

Dear Ms. Carlson, Mr. Iseman And Dr. Ancier :

Enclosed please find the Determination and Order (No. 95-25) 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.

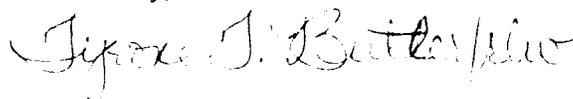
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified 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". The signature is written in a cursive style with a large initial 'T' and 'B'.

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
STEPHEN ANCIER, M.D.

ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
ARB NO. 95-25

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 March 24, 1995 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) February 1, 1995 Determination finding Dr. Stephen Ancier (Respondent) guilty of professional misconduct. The Respondent requested the Review through a Notice which the Board received on February 7, 1995. James F. Horan served as Administrative Officer to the Review Board. Robert H. Iseman, Esq. filed a brief for the Respondent which the Board received on March 16, 1995. Karen Carlson, Esq. filed a brief for the Office Of Professional Medical Conduct (Petitioner) which the Board received on March 20, 1995.

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

¹Dr. Sinnott and Mr. Shapiro participated in the deliberations by conference call.

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(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 committed professional misconduct. The Committee found that the Respondent had obtained his New York license fraudulently; had filed a false report; was guilty of moral unfitness in the practice of medicine; practiced medicine fraudulently, had been convicted of a crime in another country and had been disciplined in two other states.

The Committee found that the Respondent had been convicted of forging an airline boarding pass in New Zealand in 1980 and convicted and pardoned for forging airline tickets, credit card forgery and marijuana possession in Canada in 1987. The Committee found that the Respondent had denied he had ever been convicted of a crime in another state or country in his 1985 New York license application, in an application for licensure in Pennsylvania and in a 1990 application for licensure in Colorado. The Committee also found that the Respondent gave a false birth date on his 1985 New York application and in his 1992 registration application. The Committee found that the State of Pennsylvania suspended the Respondent's license in 1993 for three months and fined the Respondent Two Thousand (\$2,000.00) Dollars and that Colorado revoked the Respondent's license.

The Hearing Committee voted to revoke the Respondent's license to practice medicine in New York State. The Committee noted that the Respondent had not appeared at the hearing to offer mitigating testimony, but noted further that the Respondent had testified at the 1993 Colorado disciplinary hearing. The Committee also noted that there were no allegations about the Respondent's clinical competency.

The Committee concluded that personal integrity and honesty are essential elements for physicians and that these qualities can not be taught in a re-training program, nor are they likely to be instilled by a mere period of suspension. The Committee stated that the Respondent demonstrated that he was unable or unwilling to be truthful in his dealings with the New York, Colorado and Pennsylvania licensing authorities and that he lacks the integrity expected of the medical profession. The Committee found that any of the acts of misconduct which the Respondent committed would warrant revocation, and that, considered together all the acts made a compelling case for revocation.

REQUESTS FOR REVIEW

The Respondent has submitted a motion to remand this matter to the Hearing Committee so that the Respondent can testify about the reasons for his conduct, so a psychologist may testify about the Respondent's impairment and so that the Hearing Committee can determine whether the Respondent's impairment prevented him from defending himself. The Respondent supports the motion with affidavits from his attorney, himself and a psychologist. The motion states that the Respondent did not testify at the original hearing on advise of counsel, because of possible legal problems in New Jersey and because of the possibility that the Respondent was impaired psychologically. The Respondent contends that the Respondent can now testify fully concerning the facts surrounding some matters. The Respondent requests, that at the very least, the Hearing Committee reconvene to determine whether the Respondent's impairment prevented him from defending himself.

The Petitioner contends that the Respondent had requested relief outside the scope of the Review Board's authority and that the Respondent's contentions are not supported by the record.

REVIEW BOARD DETERMINATION

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

The Review Board votes to deny the Respondent's request that we remand this case for further proceedings. The Respondent had every opportunity to appear before the Hearing Committee. The Respondent has twice faced criminal charges in other countries and has twice faced disciplinary charges. The Respondent, therefore, should be well aware of the serious nature of the proceedings before the Hearing Committee and he should be well aware, from the Colorado proceeding, that he could lose his license as a result of the New York hearing. Any complications in the Respondent's position at the hearing due to the Respondent's New Jersey legal problems resulted from the Respondent's own continued pattern of deceitful conduct. The complications concerning the New Jersey driver's license are not grounds on which to provide the Respondent a new hearing in New York.

Although the Respondent did not testify at the hearing, the Hearing Committee did have the benefit of the Determination from the Colorado proceeding at which the Respondent did testify. The Committee noted that the Colorado Determination found that the Respondent's Colorado hearing testimony had actually been an aggravating factor due to the Respondent's compromised credibility and admitted lying at the Colorado hearing.

The Review Board, in reviewing this case, did not feel hampered by the Respondent's failure to testify at the hearing. The Review Board finds that the Respondent's untruthful statements on his New York license application void that license and those false statements alone warrant the revocation of the Respondent's license. The Respondent's pattern of deceitful conduct in other states and other countries provides further, compelling evidence to demonstrate that the Respondent is unable or unwilling to be truthful in his dealings with licensing authorities and that the Respondent lacks the integrity that is necessary to practice medicine.

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 February 1, 1995 Determination finding Dr. Stephen Ancier guilty of professional misconduct.
2. The Review Board **DENIES** the Respondent's motion to remand this matter to the Hearing Committee for further proceedings.
3. 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.

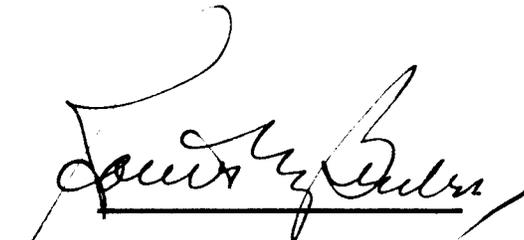
WILLIAM A. STEWART, M.D.

IN THE MATTER OF STEPHEN ANCIER, 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. Ancier.

DATED: Albany, New York

April 3, 1995

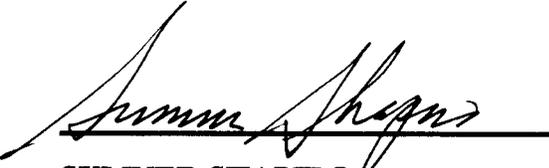

ROBERT M. BRIBER

IN THE MATTER OF STEPHEN ANCIER, 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. Ancier.

DATED: Delmar, New York

April 4, 1995


A handwritten signature in cursive script, reading "Sumner Shapiro", is written over a solid horizontal line. The signature is fluid and somewhat stylized, with the first and last names being more prominent than the middle name.

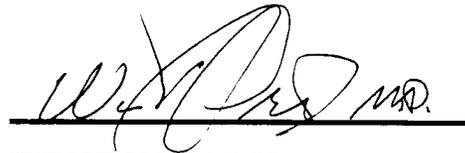
SUMNER SHAPIRO

IN THE MATTER OF STEPHEN ANCIER, 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. Ancier.

DATED: Brooklyn, New York

APRIL 4, 1995

A handwritten signature in black ink, appearing to read "W. S. Price M.D.", is written over a solid horizontal line.

WINSTON S. PRICE, M.D.

IN THE MATTER OF STEPHEN ANCIER, 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. Ancier.

DATED: Roslyn, New York

March 30, 1995

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 STEPHEN ANCIER, 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. Ancier.

DATED: Syracuse, New York

30 Mar., 1995

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.