

DOH STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

James W. Clyne, Jr.
Executive Deputy Commissioner

Public

July 30, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Werner Scott Haddon, M.D.
Inmate
c/o Lieber Correctional Facility
P.O. Box 205
Ridgeville, South Carolina 29472

Robert Bogan, Esq.
NYS Department of Health
ESP – Corning Tower – Room 2512
Troy, New York 12237-0032

RE: In the Matter of Werner Scott Haddon, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 10-139) 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 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), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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,
REDACTED

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah
Enclosure

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

In the matter of

Werner Scott Haddon, M.D.
NYS license # 182931

**Determination
and Order**

BPMC #10-139

COPY

A notice of referral proceeding and statement of charges, both dated April 8, 2010, were served on Respondent **Werner Scott Haddon, M.D.** The statement of charges alleged violation of New York State Education Law 6530. A hearing was held at offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York, on May 20, 2010.

Pursuant to Public Health Law 230(10)(e), **Peter B. Kane, M.D.**, Chairperson, **Berton Shayevitz, M.D.**, and **Irving S. Caplan**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Thomas G. Conway, Esq.**, General Counsel, and appeared by **Robert Bogan, Esq.** **Werner Scott Haddon, M.D.**, (the Respondent) did not appear, although duly served with notice of the hearing. Evidence was received and a transcript of the proceedings was made. After consideration of the entire record, the hearing committee issues this determination and order.

JURISDICTION

As is set forth in Public Health Law 230(1)&(7) and Education Law 6532, the legislature created the State Board for Professional Medical Conduct in the Department of Health (the Department), and authorized it to conduct disciplinary proceedings in matters of professional medical conduct.

Definitions of professional misconduct applicable to physicians, physician assistants and specialist assistants are set forth in Ed.L 6530 and 6531. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(iii).

Pursuant to PHL 230(10)(p), a "direct referral procedure" is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

| | |
|-------------------------------|---|
| Witnesses for the Petitioner: | None |
| Petitioner exhibits: | Department Exhibits 1-3, 3a, 4-6, 6a, 7, 8. |
| Witnesses for the Respondent: | None |
| Respondent exhibits: | None |

A transcript of the hearing was made. (Transcript, pages 1-12.)

FINDINGS OF FACT

An opportunity to be heard having been afforded the parties and evidence having been considered, it is hereby found:

1. Respondent Werner Scott Haddon, M.D. was authorized to practice medicine in New York State on July 3, 1990 under license number 182931. (Department Exhibit 7.)
2. On January 12, 2009, in the Court of General Sessions, County of Orangeburg, South Carolina, the Respondent was found guilty, based upon a plea of guilty, of one count of assault of a high and aggravated nature, one count of burglary in the first degree, and two counts of kidnapping. The Respondent was sentenced to ten years confinement on the first count, forty years on the second count, and thirty years each on the third and fourth counts, all to run concurrently, and was assessed a total of \$535.60 in fees and surcharges. (Department Exhibit 8.)
3. The Petitioner caused a notice of referral proceeding and statement of charges, both dated April 8, 2010, to be served on the Respondent. (Department Exhibit 4.) Although duly served with notice of this proceeding, the Respondent failed to appear or to request postponement of the hearing. (Department Exhibits 5, 6, 6a; Transcript, page 8.)

HEARING COMMITTEE DETERMINATION

After reviewing records obtained from the Orangeburg County Clerk of Court Office, (Department Exhibit 8), the hearing committee unanimously determined that the Respondent had been convicted of committing acts constituting crimes in the State of South Carolina which, if committed within this state, would have constituted crimes under New York State law. The committee unanimously concluded that, as alleged in the statement of charges, the

Respondent violated Ed.L 6530(9)(a)(iii) which defines professional misconduct, in pertinent part, as:

9. (a) Being convicted of committing an act constituting a crime under:
 - (iii) the law of another jurisdiction and which, if committed in this state, would have constituted a crime under New York State law.

The Petitioner recommended revocation of the Respondent's license. (Transcript, page 10.) The hearing committee agreed that the recent, multiple convictions for serious and violent crimes, and the lengthy incarceration imposed by the South Carolina court, supported the Petitioner's recommendation. The Respondent failed to appear or offer any evidence or argument on his behalf that might suggest a different conclusion. The hearing committee determined that revocation of the Respondent's license is the appropriate penalty. The hearing committee's vote sustaining the charge and revoking the Respondent's license was unanimous (3-0).

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in New York State is **REVOKED**.
2. This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

DATED: Albany, New York
7/28/, 2010

By: REDACTED
PETER B. KANE, M.D. (CHAIR)

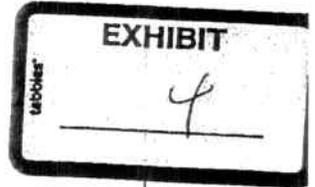
BERTON SHAYEVITZ, M.D.
IRVING S. CAPLAN

To: Robert Bogan, Esq., Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower, Empire State Plaza
Albany, New York 12237-0032

Werner Scott Haddon, M.D.
Inmate
Lieber Correctional Facility
PO Box 205
Ridgeville, South Carolina 29472

APPENDIX I

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



IN THE MATTER
OF
WERNER SCOTT HADDON, M.D.
CO-10-01-0068-A

NOTICE OF
REFERRAL
PROCEEDING

TO: WERNER SCOTT HADDON, M.D.
Inmate
Lieber Correctional Facility
PO Box 205
Ridgeville, SC 29472

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§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 20th day of May, 2010, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, that 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 who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/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, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such 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 written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. Pursuant to §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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 10

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 (5) 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

April 8, 2010

REDACTED

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) 402-0828

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

IN THE MATTER
OF
WERNER SCOTT HADDON, M.D.
CO-10-01-0068-A

STATEMENT
OF
CHARGES

WERNER SCOTT HADDON, M.D., Respondent, was authorized to practice medicine in New York State on July 3, 1990, by the issuance of license number 182931 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 12, 2009, in the Court of General Sessions, County of Orangeburg, South Carolina, Respondent was found guilty, based on a plea of guilty, of one (1) count of Assault of a High and Aggravated Nature, one (1) count of Burglary in the First Degree, and two (2) counts of kidnapping, all felonies, and was sentenced to ten (10) years confinement on the first count, forty (40) years confinement on the second count, and thirty (30) years confinement each on the third and fourth counts, all confinement to run concurrent and \$435.60 fees and surcharges.

SPECIFICATION

Respondent violated New York State Education Law §6530(9)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *April 8*, 2010
Albany, New York

REDACTED

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