



New York State Board for Professional Medical Conduct

Co.rning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

November 8, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael Tinkler, M.D.
709 Hayden Hill Road
Torrington, Connecticut 06790

RE: License No. 197994

Dear Dr. Tinkler:

EFFECTIVE DATE NOVEMBER 15, 1996

Enclosed please find Order #BPMC 96- 263 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair

Board for Professional Medical Conduct

Enclosure

cc: Wilfred T. Friedman, Esq.
5998 Madison Avenue
New York, New York 10022

Kevin Donovan, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
MICHAEL ROSS TINKLER, M.D. : BPMC #96-263

-----X

Upon the Application of MICHAEL ROSS TINKLER, M.D.
(Respondent) for Consent Order, which Application is made a part
hereof, it is

ORDERED, that the Application and the provisions thereof are
hereby adopted and so ORDERED, and it is further

ORDERED, that this Order shall take effect as of the date of
the personal service of this Order upon Respondent, upon receipt
by Respondent of this Order via certified mail, or seven days
after mailing of this Order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 6 November 1996

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

Terms of Probation attached as exhibit B.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

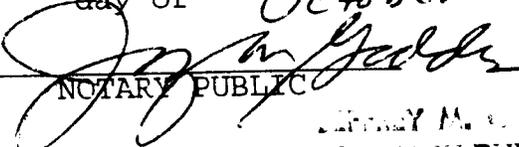
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


MICHAEL ROSS TINKLER, M.D.
RESPONDENT

Sworn to before me this 29th
day of October, 1996.

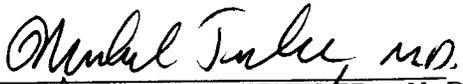

NOTARY PUBLIC

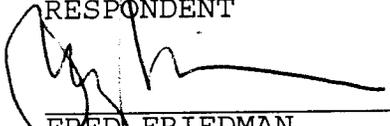
THOMAS M. GEDDES
NOTARY PUBLIC
Commission Expires Aug. 31, 2001

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
MICHAEL ROSS TINKLER, M.D. : CONSENT
: ORDER
-----X

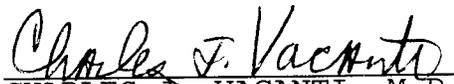
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 10/29/96 
MICHAEL ROSS TINKLER, M.D.
RESPONDENT

DATE: October 14, 1996 
FRED FRIEDMAN
COUNSEL FOR RESPONDENT

DATE: Nov. 1, 1996 
KEVIN P. DONOVAN
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: Nov. 4, 1996 
ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

DATE: 6 November 1996 
CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MICHAEL ROSS TINKLER, M.D. : CHARGES

-----X

MICHAEL ROSS TINKLER, M.D., the Respondent, was authorized to practice medicine in New York State on December 6, 1994, by the issuance of license number 197994 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. By Order dated September 26, 1994, the Pennsylvania State Board of Medicine refused Respondent's "Application for a license to practice medicine without restriction." The Pennsylvania action was based on Respondent being unable to practice medicine with reasonable skill and safety in 1993 and 1994 as a result of depression and use of medications prescribed by others and himself. Respondent was granted a probationary license requiring among other things, abstinence from controlled substances unless prescribed for a legitimate purpose, periodic, random urine screens, and treatment by a psychiatrist approved by the State Board.

B. The conduct underlying the refusal Respondent's request for an unrestricted license would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely practicing the profession while impaired by alcohol, drugs, or mental disability within the meaning of New

York Education Law § 6530(7) (McKinney Supp. 1996), and having a psychiatric condition which impairs the licensee's ability to practice within the meaning of New York Education Law § 6530(8) (McKinney Supp. 1996).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

HAVING APPLICATION FOR LICENSE REFUSED

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9) (b) (McKinney Supp. 1996) in that he had his application for a license without restriction refused 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 of paragraphs A and B.

SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9) (d) (McKinney Supp. 1996) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts of paragraphs A and B.

DATED: *August 7*, 1996
Albany, New York

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

TERMS OF PROBATION

EXHIBIT B

1. Respondent shall personally meet with a member of the Office of Professional Medical Conduct staff on a random basis at the discretion of the Director of the Office or designee.
2. Respondent shall conform fully:
 - a. to the professional standards of conduct imposed by law and by his or her profession; and
 - b. with all civil and criminal laws, rules and regulations.
3. Respondent shall notify the Office of Professional Medical Conduct (OPMC), in writing, of:
 - a. any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility, within thirty days of each action;
 - b. the addresses and telephone numbers of his residence, professional offices, and facility affiliations, and any and all changes in personal and professional addresses and telephone numbers and facility affiliations, within 30 days of any such changes. This will include any change in practice location, within or outside of the State of New York. The date of departure from the State of New York, and the date of return, if any, must be reported in writing.
4. Respondent shall maintain legible and complete medical records which accurately reflect his evaluation and treatment of patients. Records will contain a comprehensive history, physical examination findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing, or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances.
5. Respondent shall fully comply with all terms of the Consent Agreement entitled "In re: Michael R. Tinkler, M.D., Petition No. 931101-82-006" with the Connecticut Department of Public Health and Addiction Services (the Connecticut Consent Agreement), which is incorporated herein by reference. Respondent shall complete any authorizations or releases requested by the staff of OPMC to permit OPMC to obtain full information and documents to determine whether Respondent is in full compliance with the Connecticut Consent Agreement.

6. If the Respondent returns to practice medicine in New York State before the expiration of the Connecticut Consent Agreement, he shall continue to comply with the Connecticut Consent Agreement but all terms of the Consent Agreement shall be, at the option of the Director of OPMC, directly enforced by OPMC. If that option is exercised, all references in the Connecticut Consent Agreement to the "Physician Health Program", and the "Department" and the "Society" shall be considered references to OPMC. OPMC then also has the right to approve the treating therapist and the facility administering screens.
7. 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 Respondent as may be authorized by law.
8. Respondent shall assume and bear all costs related to compliance with the terms of probation.