



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

May 19, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Thomas K. O'Malley, Esq.
NYS Department of Health
Empire State Plaza
Corning Tower - Room 2503
Albany, New York 12237

Patrick J. Greene, M.D.
Millbrook Court, Milltown Road
22 Cedar Hall
Dublin, Ireland

RE: In the Matter of Patrick J. Greene, M.D.

Dear Mr. O'Malley and Dr. Greene:

Enclosed please find the Determination and Order (No. BPMC-97-114) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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), 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.

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.

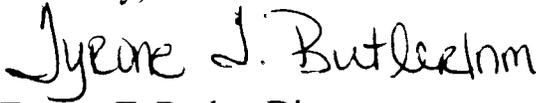
The notice of review served on the Administrative Review Board should be forwarded to:

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,

Handwritten signature of Tyrone T. Butler in black ink.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:erc
Enclosure

COPY

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

**IN THE MATTER
OF
PATRICK J. GREENE, M.D.**

**DETERMINATION
AND
ORDER
BPMC-97-114**

A Notice of Hearing and Statement of Charges, both dated February 19, 1997, were served upon the Respondent, **PATRICK J. GREENE, M.D. DENISE M. BOLAN, R.P.A.**, (Chair), **ERNST A. KOPP, M.D.** and **RAVENDRA N. SHARMA, 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(100)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on April 16, 1997. The Department of Health appeared by **HENRY M. GREENBERG, GENERAL COUNSEL**, by **THOMAS K. O'MALLEY, ESQ.**, Associate Counsel, of Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard 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 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. Respondent was authorized to practice medicine in New York State on October 16, 1969 by the issuance of license number 104930 by the New York State Education Department (Pet. Ex. #1)

2. On June 29, 1994, the Commonwealth of Massachusetts Board of Registration in Medicine issued an Order of Suspension, which determined that Respondent represented an immediate and serious threat to the public health, safety and welfare, and further required Respondent to surrender his license to practice medicine effective July 11, 1993 (Pet Ex 3)
3. The aforementioned Order of Suspension was issued upon allegations that Respondent was not clinically competent as an anesthesiologist and that he had committed licensing and hospital credentialing fraud in order to mask deficiencies in his qualifications and experience and to conceal episodes of his career in which he rendered substandard care. (Pet. Ex.5)
4. On August 12, 1994, a hearing was held to determine the necessity of the action to summarily suspend Respondent's license. On October 13, 1994, a Recommended Decision on Summary Suspension was handed down by the Commonwealth of Massachusetts Division of Administrative Law Appeals wherein it concluded that Respondent poses an immediate and serious threat to the public health, safety and welfare and further supports the necessity of the summary suspension of Respondent's license. (Pet. Ex. 6)
5. On February 8, 1995, the Commonwealth of Massachusetts Board of Registration in Medicine in a Final Decision and Order On Summary Suspension sustained the June 29, 1994 Order of Suspension wherein it ruled that the Respondent represents an immediate and serious threat to the public health, safety and welfare and that his medical license should be summarily suspended. (Pet. Ex. 7)

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 Hearing Committee unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was disciplined by the Massachusetts Board for not only his incompetence as an anesthesiologist, but also the fraudulent concealment of his deficiencies in his applications for medical licenses and hospital privileges. As a result, the Massachusetts Board summarily suspended Respondent's license. Section 6530(9)(d) defines professional misconduct as having one's license to practice medicine revoked, 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 revocation, suspension or other disciplinary action, would if committed in New York State, constitute professional misconduct under the laws of New York State. As a result, the Hearing Committee voted to sustain the sole 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 the State of New York should be revoked. This determination was reached upon due consideration of the full spectrum for penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Hearing Committee finds that the record clearly indicates that Respondent is an incompetent physician. The Hearing Committee believes that Respondent exhibits a global lack of medical knowledge and technique. The Hearing Committee is further troubled that Respondent lied about the completeness of his residency and misrepresented that he was board eligible in anesthesiology. Finally, the Hearing Committee notes that Respondent made false statements in his Massachusetts medical license applications and in other applications for out of state hospital staff privileges. The evidence further indicates that Respondent has already lied on a credentialing application to Cortland Memorial Hospital in New York State.

The Hearing Committee believes that Respondent cannot be allowed to practice medicine in New York State because his incompetence and his willingness to cover it up places patients at grave risk of harm. Therefore, under the circumstances, revocation is the appropriate sanction in this instance.

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 is hereby **REVOKED.**

Dated: New York, New York

May 19, 1997

Denise M. Bolan, R.P.A.C.
DENISE M. BOLAN, R.P.A. (Chair)

ERNST A. KOPP, M.D.
RAVENDRA N. SHARMA, M.D.

TO: Thomas K. O'Malley, Esq.
Associate Counsel
NYS Department of Health
Corning Tower, Rm. 2503
Albany, New York 12237-0032

Patrick J. Greene, M.D.
Millbrook Court, Milltown Road
22 Cedar Hall
Dublin, Ireland



APPENDIX I

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

-----x
IN THE MATTER : NOTICE OF
OF : REFERRAL
PATRICK J. GREENE, M.D. : PROCEEDING
-----x

TO: PATRICK J. GREENE, M.D.
Millbrook Court, Milltown Road
22 Cedar Hall
Dublin, Ireland

APR 16 1997

Pet
~~Dist.~~ Fx. 1 Id ✓ St ✓
ROBERT W. HICKS

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 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 16th day of April, 1997 at 10:00 in the forenoon of that day at the Hedley Park Place Office Building, 433 River Street, 5th Floor, Troy, New York 12180.

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, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, 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 April 7, 1997.

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 or 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 April 7, 1997 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 19, 1997



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

Inquiries should be addressed to:

Thomas K. O'Malley
Associate Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2503
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
PATRICK J. GREENE, M.D. : CHARGES

-----X

PATRICK J. GREENE, M.D., the Respondent, was authorized to practice medicine in New York State on October 16, 1969 by the issuance of license number 104930 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice in New York State.

FACTUAL ALLEGATIONS

1. On June 29, 1994 the Commonwealth of Massachusetts Board of Registration in Medicine issued an ORDER OF SUSPENSION, having determined that Patrick J. Greene, M.D., the Respondent herein, represented an immediate and serious threat to the public health, safety and welfare, further requiring Dr. Greene to surrender his license to practice medicine effective July 11, 1994.

2. The Order of Suspension was as a result of Respondent being accused of unprofessional conduct, dishonesty and repeatedly, knowingly making false statements under penalty of

perjury in his application for a Massachusetts Medical License in January 1992 and subsequently on his application to renew said license on February 6, 1993. In addition, Respondent made repeated false statements on separate applications for both temporary and permanent staff privileges to North Adams Regional Hospital on or about March 5, 1992, which coupled with his patently substandard, negligent and incompetent anesthesiological care led to his staff privileges being terminated. Moreover, Respondent continued to make fraudulent statements on subsequent credentialing applications to Quincy Hospital, Quincy, Massachusetts on or about August 21, 1992; to St. Luke's Hospital, New Bedford, Massachusetts on or about January 6, 1993; to Cortland Memorial Hospital, Cortland, New York on or about February 22, 1993; and to Mercy Hospital, Cadillac, Michigan on or about August 16, 1993. Finally, Respondent knowingly made false and fraudulent statements on several versions of his Curriculum Vitae from 1967 through August 1993.

3. On October 13, 1994 a RECOMMENDED DECISION ON SUMMARY SUSPENSION was handed down by the Commonwealth of Massachusetts Division of Administrative Law Appeals wherein it concluded that Respondent poses an immediate and serious threat to the public health, safety and welfare and further supports the necessity of the summary suspension of Respondent's license.

4. On February 8, 1995 the Commonwealth of Massachusetts Board of Registration in Medicine in a FINAL DECISION AND ORDER

ON SUMMARY SUSPENSION sustained the June 29, 1994 Order of Suspension wherein it ruled that the Respondent represents an immediate and serious threat to the public health, safety and welfare and that his medical license should be summarily suspended.

5. The conduct upon which the Commonwealth of Massachusetts Board Of Registration In Medicine imposed disciplinary action upon Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. law §6530(2) [practicing the profession fraudulently] (McKinney Supp. 1997).

SPECIFICATION

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. law §6530(9)(d) (McKinney Supp. 1996) by reason of 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, 3, 4 and/or 5.

DATED: February 19, 1997
Albany, New York



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