



New York State Board for Professional Medical Conduct

Corning 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 27, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Zenos M. Linnell, M.D.
145 Mt. Auburn Street
Cambridge, Massachusetts 02138-5725

RE: License No. 079731

Dear Dr. Linnell:

EFFECTIVE DATE DECEMBER 4, 1996

Enclosed please find Order #BPMC 96-283 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: Silvia Finkelstein, Esq.

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

IN THE MATTER
OF
ZENOS M. LINNELL, M.D.

SURRENDER
ORDER
BPMC #96-283

Upon the Application of ZENOS M. LINNELL, M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect on DECEMBER 26, 1996.

SO ORDERED.

DATED: 22 November 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
ZENOS M. LINNELL, M.D.

APPLICATION TO
SURRENDER
LICENSE

STATE OF MASSACHUSETTS)
COUNTY OF) ss.:

ZENOS M. LINNELL, M.D., being duly sworn, deposes and says:

On or about September 4, 1957, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 079731 by the New York State Education Department.

My current address is 145 Mt. Auburn Street, Cambridge, MA 02138-5725, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

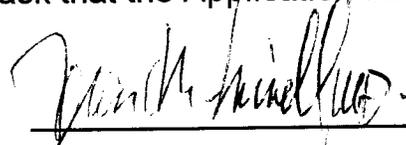
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specification in full satisfaction of the Statement of Charges.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

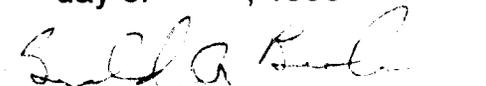
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.



ZENOS M. LINNELL, M.D.
Respondent

Sworn to before me this

5th day of *March*, 1996


NOTARY PUBLIC

Com exp 4/1/97

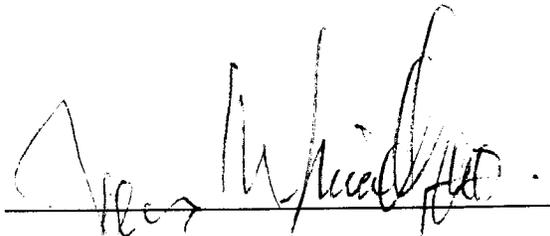
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ZENOS M. LINNELL, M.D.

APPLICATION TO
SURRENDER
LICENSE

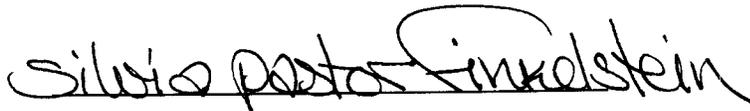
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: March 5, 1996



ZENOS M. LINNELL, M.D.
Respondent

Date: 11/12, 1996



Silvia Pastor Finkelstein
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Nov. 20, 1996

Anne Saile

ANNE F. SAILE
~~Acting~~ Director
Office of Professional Medical Conduct

Date: 22 November, 1996

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
ZENOS M. LINNELL, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: ZENOS M. LINNELL, M.D.
145 Mt. Auburn Street
Cambridge, MA 02138-5725

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on December 17, 1996, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

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, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten 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 copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen 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.

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: New York, New York
Oct 15, 1996



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Silvia P. Finkelstein
Associate Counsel
NYS Department of Health
Division of Legal Affairs
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2615

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

IN THE MATTER
OF
ZENOS M. LINNELL, M.D.

STATEMENT
OF
CHARGES

ZENOS M. LINNELL, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 4, 1957, by the issuance of license number 079731 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about June 26, 1996, the Board of Registration in Medicine of the Commonwealth of Massachusetts (Massachusetts Board) issued an order accepting the surrender of Respondent's license effective December 26, 1996. Respondent agreed to surrender his Massachusetts license to resolve a Statement of Allegations which alleged that Respondent improperly prescribed controlled substances on numerous occasions and engaged in inappropriately intimate activity with a patient, including violations of §§ 243 CMR 1.03(5)(a)2 (committing an offense against any provision of the laws of the Commonwealth); 243 CMR 1.03(5)(a)3 (conduct which places into questions the physician's competence to practice medicine, including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions); 243 CMR 1.03(5)(a)10 (practicing medicine deceitfully, or engaging in conduct which has the capacity to deceive or defraud); and/or

G.L. c. 94C §24(a) (dispensing controlled substances to a drug dependent person and failing to report it to the commissioner of mental health as required by law). If committed in New York, the conduct alleged in the Massachusetts Board's Statement of Allegations would constitute professional misconduct under N. Y. Educ. Law §§ 6530(2) (practicing the profession fraudulently or beyond its authorized scope); 6530(3) negligence on more than one occasion); 6530(4) (gross negligence on a particular occasion); 6530(5) (incompetence on more than one occasion); 6530(6) (gross incompetence); 6530(16) (willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules or regulations governing the practice of medicine); 6530(20) (moral unfitness to practice medicine); and/or 6530(44) (in the practice of psychiatry, any physical contact of a sexual nature between the licensee and a patient).

SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

1. Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1996) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license 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 involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state [namely N.Y. Educ. Law §6530(2), 6530(3), 6530(4), 6530(5), 6530(6), 6530(16), 6530(20), and/or 6530(44)] as alleged in the facts of the following:

1. Paragraph A

DATED: October 15, 1996
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct