



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

November 2, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hugh W. Rollocks, M.D.
1955 Balmoral Drive
Detroit, Michigan 48203

Hugh W. Rollocks, M.D.
1955 Balmoral Drive
Highland Park, Michigan 48203

Anthony M. Benigno, Esq.
NYS Department of Health
ESP – Corning Tower – 25th Floor
Albany, New York 12237

RE: In the Matter of Hugh W. Rollocks, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-296) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

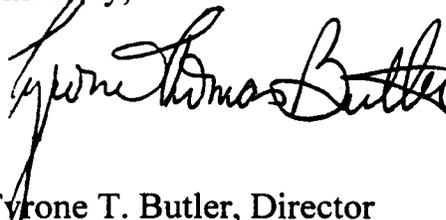
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TFB:cah
Enclosure

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

COPY

IN THE MATTER

OF

HUGH W. ROLLOCKS, M.D.

DETERMINATION

AND

ORDER

BPMC #00-296

ALBERT ELLMAN, M.D., Chairperson, **MARGERY W. SMITH, M.D.** and **NANCY J. MACINTYRE, R.N. Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, served as Administrative Officer for the Hearing Committee. The Department of Health appeared by **HENRY M. GREENBERG**, General Counsel, **ANTHONY M. BENIGNO, ESQ.**, Assistant 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 submits this Determination and Order.

STATEMENT OF CHARGES

The accompanying Statement of Charges alleged two (2) specifications of professional misconduct for violating a condition imposed by § 230 of the Public Health Law and failing to respond to written communications from the New York State Department of Health. The charges

are more specifically set forth in the Statement of Charges dated August 9, 2000, a copy of which is attached hereto as Appendix I and made a part of this Determination and Order.

WITNESSES

For the Petitioner:
For the Respondent:

Lisa Robinson
None

FINDINGS OF FACT

1. Respondent was authorized to practice medicine in New York State by the issuance of license number 087674 on June 19, 1962, by the New York State Education Department (Exh. 4). Respondent is not currently registered with the New York State Education Department to practice medicine.
2. On or about March 9, 1999, the New York State Board of Professional Medical Conduct (Board) issued BPMC Order # 98-159, wherein Respondent was found to have committed professional misconduct and received a seven month suspension. The Order imposed a condition requiring him to register with the New York State Education Department Division of Professional Licensing Services as well as provide proof of compliance with a Michigan Professional Disciplinary Order. Respondent's suspension ended on October 8, 1999. Pursuant to the Order, Respondent was required to submit his registration application in New York within 30 days after the expiration of his suspension (November 8, 1999). To date, Respondent has not provided proof of compliance with the Michigan Order nor has he registered with the New York State Education Department, Division of Professional Licensing Services. (Exh.2)
3. From March 10, 1999 through March 9, 2000, four written communications from the New York State Department of Health, Office of Professional Medical Conduct (OPMC)

were sent to Respondent. These letters requested initial data and reminded Respondent of his obligations pursuant to the Order. Respondent failed to respond to any of these communications. (Exhs. 5-8)

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 concluded that the following Factual Allegations should be sustained. The citations in parenthesis refer to the Findings of Fact which support each Factual Allegation:

Paragraph 1: (2)

Paragraph 2: (3)

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 concluded that the two (2) Specifications of Professional Misconduct should be sustained.

VIOLATION OF A CONDITION IMPOSED BY PUBLIC HEALTH LAW § 230

SUSTAINED

FAILURE TO RESPOND TO WRITTEN COMMUNICATIONS FROM THE NYS DEPARTMENT OF HEALTH IN VIOLATION OF § 6530(28) OF THE NY EDUCATION LAW

SUSTAINED

DISCUSSION

FIRST SPECIFICATION

The First Specification alleges that Respondent violated a term of probation or condition or limitation imposed upon his license pursuant to §230 of the Public Health Law and §6532(29) of the New York Education Law. The Hearing Committee finds that the Board has made numerous good faith efforts to contact Respondent and that he has routinely failed to reply and has failed to submit the requested information. As a result, the Hearing Committee sustains the First Specification.

SECOND SPECIFICATION

The Second Specification alleges that Respondent failed to respond to written communications from the New York State Department of Health in violation of §6532(28) of the New York Education Law. The Hearing Committee finds that the record clearly shows Respondent's failure to reply to 4 written inquiries from OPMC. The Hearing Committee therefore sustains the Second Specification.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above determined by a unanimous vote that Respondent's license to practice medicine in New York State should be indefinitely suspended. The Hearing Committee believes the suspension should be lifted only if Respondent: 1) submits his re-registration application in New York State and 2) appears before a committee of professional conduct of the State Board for Professional Medical Conduct and demonstrates to the satisfaction of the that Committee that he is in full compliance with the requirements of the Michigan Board of Medicine and that he is not incapacitated for the active

practice of medicine. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Hearing Committee notes that Ms. Robinson testified that Respondent completed the terms of the Michigan Order and that his probation was terminated in October 1999. (T. 9,10) She also stated that this information appeared in a monthly report from other state boards that is provided to OPMC. (T. 19-20) The Hearing Committee notes that in Michigan, Respondent was reprimanded, fined \$1,000 and placed on a 2 year probation that required he earn an additional 100 hours of Board-approved continuing education credits. (Exh. 2) The Hearing Committee believes that revocation would be too severe if Respondent has fully complied with the terms of his Michigan probation. They also note that there is no evidence of patient harm in the record. Therefore, under the totality of the circumstances, the Hearing Committee finds that indefinite suspension subject to strict conditional compliance is the appropriate penalty in this instance.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First and Second Specifications of Professional Misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit #1) are **SUSTAINED**; and
2. Respondent's license to practice medicine in New York State is hereby **SUSPENDED** indefinitely.
3. The Suspension will be lifted upon the following **TWO (2) CONDITIONS**:
 - 1) Respondent must submit his re-registration application in New York **AND**
 - 2) Respondent must appear before a committee of professional conduct of the State Board for Professional Medical Conduct and demonstrate to the satisfaction of that Committee that he is in full compliance with the requirements of the Michigan Board and that he is not incapacitated for the active practice of medicine.
4. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Loudonville, New York

11/1/00 2000



ALBERT EELMAN, M.D.
(Chairperson)

MARGERY W. SMITH, M.D.
NANCY J. MACINTYRE, Ph.D.

TO: Anthony M. Benigno, Esq.
NYS Department of Health
Corning Tower- 25th Fl.
Empire State Plaza
Albany, New York 12237

Hugh W. Rollocks, M.D.
1955 Balmoral Drive
Detroit, Michigan

Hugh W. Rollocks, M.D.
1955 Balmoral Drive
Highland Park, Michigan

APPENDIX I

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

-----X

IN THE MATTER : STATEMENT
OF : OF
HUGH W. ROLLOCKS, M.D. : CHARGES

-----X

HUGH W. ROLLOCKS, M.D., the Respondent, was authorized to practice medicine in New York State on June 19, 1962 by issuance of license number 087674 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. On or about March 9, 1999 the New York State Board for Professional Medical Conduct issued Order #BPMC 99-52, hereto attached as Exhibit 1, wherein HUGH W. ROLLOCKS, M.D., Respondent, was found to have committed professional misconduct and received a seven month suspension. The Order imposed a condition requiring him to register with the New York State Education Department Division of Professional Licensing Services as well as provide proof of compliance with a Michigan Professional Disciplinary Order. Respondent's suspension ended on October 8, 1999. Pursuant to the Order, Respondent was required to submit his re-registration application in New York within 30 days after the expiration of his suspension (November 8, 1999). To date, Respondent has not provided proof of compliance with the Michigan

Order nor has he registered with the New York State Education Department Division of Professional Licensing Services.

2. From March 10, 1999 to March 9, 2000 four written communications from the New York State Department of Health Office of Professional Medical Conduct were sent to Respondent. These letters requested initial data and reminded Respondent of his obligations pursuant to the Order. Respondent failed to respond to any of these communications.

FIRST SPECIFICATION

HAVING VIOLATED A CONDITION IMPOSED BY PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law §6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230 of the Public Health Law, by BPMC Order #99-52, in that Petitioner charges:

1. The facts in paragraph 1.

SECOND SPECIFICATION

**FAILURE TO RESPOND WITHIN THIRTY DAYS TO COMMUNICATIONS
FROM THE DEPARTMENT OF HEALTH**

Respondent is charged with professional misconduct under N.Y.

Education Law §6530(28), failure to respond within thirty days to written communications from the department of health in that, Petitioner charges:

2. The facts in paragraph 2.

DATED: August 9, 2000
Albany, New York


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