

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

Christopher John McCarthy
Physician's Assistant
8 Trumpet Lane
Levittown, N.Y. 11756

February 1, 1991

Re: Registration No. 003170

Dear Sirs:

Enclosed please find Commissioner's Order No. 11290. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your registration, you must deliver your registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er
Enclosures

CERTIFIED MAIL - RRR
cc: Richard M. Gaba, Esq.
1055 Franklin Avenue
Garden City, N.Y. 11530

RECEIVED
FEB 06 1991
Office of Professional
Medical Conduct

**REPORT OF THE
REGENTS REVIEW COMMITTEE**

CHRISTOPHER JOHN McCARTHY

CALENDAR NO. 11290



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

CHRISTOPHER JOHN McCARTHY

No. 11290

who is currently registered to practice as a physician's assistant in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

CHRISTOPHER JOHN McCARTHY, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On November 7, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Richard M. Gaba, Esq. Daniel Guenzburger, Esq., represented the New York State Department of Health.

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was three years suspension stayed, probation, standard terms of probation for an impaired licensee, including monitoring, supervision and treatment.

Respondent's written recommendation as to the penalty to be imposed, should respondent be found guilty, was suspension until

CHRISTOPHER JOHN MCCARTHY (11290)

January, 1992 when his license will be renewed.

We have reviewed the record in this matter; and our unanimous findings of fact and determination as to guilt follow:

FINDINGS OF FACT

1. Respondent was registered to practice as a physician's assistant in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge, annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED

By a vote of two to one, the undersigned and Patrick J. Picariello make the following recommendation as to the penalty to be imposed:

Respondent's registration to practice as a physician's assistant in the State of New York be suspended for two years upon the charge of which respondent has been found guilty, that execution of said suspension be stayed, at which time respondent be placed on probation for a period of two years under the terms set forth in the exhibit annexed hereto, made a part hereof, and

CHRISTOPHER JOHN McCARTHY (11290)

marked as Exhibit "B", to include monitoring for drug and alcohol abuse.

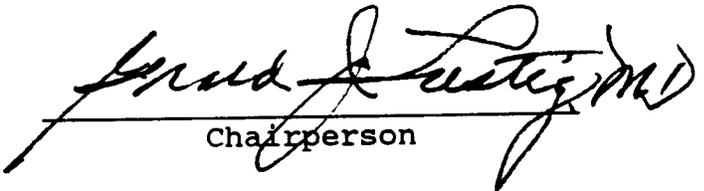
Melinda Aikins Bass, while concurring with the other committee members regarding the aforesaid findings of fact and determination, recommends, under the circumstances herein, that respondent be Censured and Reprimanded upon the charge of which respondent was found guilty and respondent thereafter be placed on probation for a period of two years under the same terms as recommended by the majority.

Respectfully submitted,

GERALD J. LUSTIG, M.D.

MELINDA AIKINS BASS

PATRICK J. PICARIELLO


Chairperson

Dated: January 8, 1991

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

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IN THE MATTER : STATEMENT
OF : OF
CHRISTOPHER JOHN MCCARTHY, R.P.A. : CHARGES

-----X

CHRISTOPHER JOHN MCCARTHY, R.P.A., the Respondent, was authorized to practice as a physician's assistant on January 28, 1987 by the issuance of license number 003170 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1990 to December 31, 1992 at 8 Trumpet Lane, Levittown, New York, 11756.

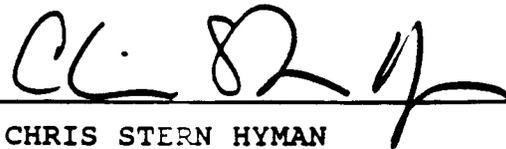
FIRST SPECIFICATION

1. The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6509 (5)(a)(i)(McKinney 1985) in that he has been convicted of committing an act constituting a crime under New York State Law, specifically:

On or about October 27, 1988, in the Nassau County Court, Mineola, New York, the Respondent pled guilty to the misdemeanor

of violating Veh. and Traf. Law Section
1192(3) in that on or about August 26, 1988
the Respondent operated a motor vehicle
while under the influence of alcohol. On
or about December 16, 1988, the
Respondent's Driver's License was revoked
and he was placed on probation for three
years and fined one thousand dollars
(\$1,000.00).

DATED: September 13, 1990
New York, New York



CHRIS STERN HYMAN
COUNSEL
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

CHRISTOPHER JOHN MCCARTHY

CALENDAR NO. 11290

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
 - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and
 - d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of

Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. That respondent shall submit himself for monitoring in regard to the use of drugs and alcohol by a facility to be chosen by respondent and approved by the New York State Department of Health, after obtaining prior written approval by the New York State Department of Health, said facility to conduct an examination of respondent at least once every three months during the period of probation, at such times as said facility may choose, at respondent's expense, said examination to include urine samples for the detection of any drug and/or alcohol in respondent. Respondent shall submit or cause to be submitted a written report from and signed by an authorized person from said facility, once every three months during the period of probation, in which said authorized person shall state whether the presence of any drug(s) and/or alcohol has been detected by virtue of the said examination and shall also indicate the name of said drug(s). In the event any drug(s) and/or alcohol is detected, the respondent shall submit a sworn affidavit explaining the use of said drug(s) and/or alcohol, as well as any other papers respondent wishes to submit in that regard. The said reports and affidavits, as well as any other papers, shall be forwarded to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid. If any information is received by the New York State Department of Health indicating that respondent is not drug and alcohol-free and/or not fit to practice his profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents;
3. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

CHRISTOPHER JOHN McCARTHY

CALENDAR NO. 11290



The University of the State of New York

IN THE MATTER

OF

CHRISTOPHER JOHN MCCARTHY
(Physician's Assistant)

**DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11290**

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 11290, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (January 23, 1991): That the record herein be accepted; that the unanimous findings of fact and determination as to guilt, and the majority recommendation, by a vote of two to one, as to the penalty to be imposed rendered by the Regents Review Committee in the matter of CHRISTOPHER JOHN MCCARTHY, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's registration to practice as a physician's assistant in the State of New York be suspended for two years upon the charge of which respondent has been found guilty; that execution of said suspension be stayed at which time respondent be placed on probation for a period of two years under the terms prescribed by the Regents Review Committee which includes monitoring for drug and alcohol abuse; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of

CHRISTOPHER JOHN McCARTHY (11290)

Regents, said vote 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 the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 31ST day of

January, 1991.

Thomas Sobol

Commissioner of Education