



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower      The Governor Nelson A. Rockefeller Empire State Plaza      Albany, New York 12237

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

Karen Schimke  
*Executive Deputy Commissioner*

June 4, 1996

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Roy Nemerson, Esq.  
NYS Department of Health  
5 Penn Plaza-Sixth Floor  
New York, New York 10001

Raymond Edward Henry Partridge, M.D.  
75A Cedar Street  
Hyannis, Massachusetts 02601

**RE: In the Matter of Raymond Edward Henry Partridge, M.D.**

Dear Mr. Nemerson and Dr. Partridge:

Enclosed please find the Determination and Order (No. 96-137) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 all action 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.

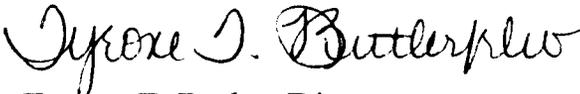
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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, prominent initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

**COPY**

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

**IN THE MATTER**

**-OF-**

**RAYMOND EDWARD HENRY PARTRIDGE, M.D.**

**DECISION**  
**AND**  
**ORDER**  
**OF THE**  
**HEARING**  
**COMMITTEE**  
**BPMC ORDER**  
**NO. 96- 137**

This matter was commenced by a Notice of Hearing and Statement of Charges, both dated February 14, 1996 which were served upon **RAYMOND EDWARD HENRY PARTRIDGE, M.D.**, (hereinafter referred to as "Respondent" ). **MICHAEL A. GONZALEZ, R.P.A., Chairperson, RAFAEL A. LANTIQUA, M.D.**, and **CALVIN J. SIMONS, 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(10)(e) of the Public Health Law. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on April 17, 1996 at 5 Penn Plaza, New York, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner") appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROY NEMERSON, ESQ.**, Deputy Counsel, Bureau of Professional Medical Conduct. Respondent made no appearance whatsoever at the hearing. Evidence was received. A transcript of these proceedings was made.

After consideration of the entire record, the Hearing Committee issues this Decision and Order.

## **STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). This 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 prior professional disciplinary action or criminal conviction. The scope of this expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed by this state upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to the New York State Education Law, Section 6530(9)(b) [having been found guilty of misconduct by another state]. The charges in this proceeding arise from failure of Respondent to respond to communications by the Board of Registration in Medicine of the State of Massachusetts. The allegations in this proceeding and the underlying events are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges, a copy of which is attached to this Decision and Order as Appendix One.

## **FINDINGS OF FACT**

The Committee adopts the factual statement set forth on pages one and two of the Statement of Charges (Appendix One) as its findings of fact and incorporates them herein. In addition it is noted that the Administrative Law Judge found that Respondent had been properly served with legal process. Hence, Respondent had notice of these proceedings and the State had jurisdiction over him.

## **CONCLUSIONS WITH REGARD TO FACTUAL ALLEGATIONS**

Petitioner herein, has proven by a preponderance of the evidence that the State of Massachusetts found Respondent guilty of misconduct. Petitioner also showed that the State of Massachusetts issued a reprimand and imposed a civil penalty of five thousand dollars (\$5,000).

The proceedings in Massachusetts as well as the default by Respondent herein show a clear pattern of contempt by Respondent for the authorities which establish and enforce medical standards. Respondent appears to be a scofflaw. As such, he presents a very real danger to the people he would serve if he were allowed to practice medicine in this state. Hence this body has voted unanimously to revoke Respondent's license to practice medicine.

The question that will inevitably be raised is why has this body taken such draconian measures against Respondent when his home state merely censured him and imposed a civil penalty? There are several reasons which support the penalty: The public depends upon physicians to keep abreast of and adhere to the myriad of regulations under which practitioners must act. No one who is willing to be so cavalier about extremely important governmental communications can be trusted to practice medicine. The likelihood of Respondent simply making his own rules and, as a result, harming patients or the general public is too great and cannot be tolerated. Such contempt can lead to all sorts of violations of the most basic criteria of practice, including but not limited to the wrongful disposition of dangerous substances, financial fraud and patient mismanagement. This body is simply unwilling to impose that risk on the people of this state.

Moreover, while the Massachusetts authorities had only their own proceeding to consider with regard to penalty, this body has the benefit of the experience of Massachusetts as well as the fact that Respondent chose to ignore this proceeding. Therefore, this body can see a pattern of conduct suggestive of a significant disorder, that is, contempt for government. The difference then is the penalty for a single act of administrative neglect versus a pattern of unacceptable conduct. The pattern leads to the specter of extreme public harm and hence to the most stringent penalty.

**ORDER**

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**

Furthermore, it is hereby **ORDERED** that;

2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

3. The license of Respondent to practice medicine in the State of New York is **REVOKED**;

Furthermore, it is hereby **ORDERED** that;

4. This order shall take effect **UPON RECEIPT** or **SEVEN (7) DAYS** after mailing of this order by Certified Mail.

Dated:  
Elmira, New York

6/2/96 1995



**MICHAEL A. GONZALEZ, R.P.A., Chairperson**

**RAFAEL A. LANTIQUA, M.D.  
CALVIN J. SIMONS, M.D.**



TO:

**ROY NEMERSON, ESQ.**, Deputy Counsel,  
Bureau of Professional Medical Conduct  
New York State Department of Health  
Corning Tower Building  
Empire State Plaza  
Albany, N.Y. 12237

RAYMOND EDWARD HENRY PARTRIDGE, M.D.  
75 A Cedar Street  
Massachusetts 02601

**APPENDIX ONE**

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

IN THE MATTER  
OF  
RAYMOND EDWARD HENRY PARTRIDGE, M.D.

NOTICE  
OF  
HEARING

TO: RAYMOND EDWARD HENRY PARTRIDGE, M.D.  
75A Cedar Street  
Hyannis, Massachusetts 02601

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1996) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on April 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, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

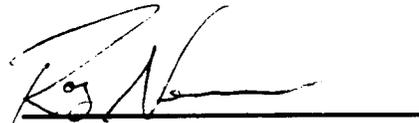
The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1996), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, §51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a (McKinney Supp. 1996). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York  
Feb 14, 1996



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be directed to: DANIEL GUENZBURGER  
Assistant Counsel  
Bureau of Professional  
Medical Conduct  
5 Penn Plaza, Suite 601  
New York, New York 10001  
(212) 613-2617

IN THE MATTER  
OF  
RAYMOND EDWARD HENRY PARTRIDGE, M.D.

STATEMENT  
OF  
CHARGES

RAYMOND HENRY EDWARD PARTRIDGE, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 15, 1970, by the issuance of license number 106004 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 14, 1994, the Board of Registration in Medicine of the State of Massachusetts ("Board") found, based upon admissions in a consent order, that Respondent violated the following sections of the Code of Massachusetts Regulations: 243 CMR §1.03(5)(9) 16 (1995) ("Failing to furnish the Board, its investigators or representatives, documents, information or testimony, in a timely manner."); 243 CMR §2.07(12) (1995) ("Failing to respond to certified correspondence from the Board within 30 days of the Board's mailing of a written communication.")

The Respondent failed to respond to two pieces of certified correspondence from the Board within 30 days of the date of mailing of the correspondence. The first written communication was mailed on or about January 27, 1993. The second written communication was mailed on or about April 14, 1993. The Board requested that the Respondent reply to separate complaints by patients that he had failed to provide them with copies of their medical

records. The Board fined the Respondent \$5,000.00 and issued a reprimand.

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**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1996) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state 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 (namely N.Y. Educ. Law §6530(28) ("Failing to respond within 30 days to written communication from the Department of Health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct."), as alleged in the facts of the following:

1. Paragraph A.

DATED: February 14, 1996  
New York, New York

  
\_\_\_\_\_  
ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct