



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

February 20, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ann Gayle, Esq.  
NYS Dept. of Health  
5 Penn Plaza - Sixth Floor  
New York, New York 10001

Derrick Mobley, M.D.  
REDACTED

Effective Date: 02/27/96

**RE: In the Matter of Derrick Mobley, M.D.**

Dear Ms. Gayle and Dr. Mobley :

Enclosed please find the Determination and Order (No. 95-265) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. The Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Empire State Plaza  
Corning Tower, Room 438  
Albany, New York 12237

NEW YORK STATE DEPARTMENT OF HEALTH

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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

REDACTED

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Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:

Enclosure

**COPY**

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

**IN THE MATTER  
OF  
DERRICK K. MOBLEY, M.D.**

**ADMINISTRATIVE  
REVIEW BOARD  
DECISION AND  
ORDER NUMBER  
ARB NO. 95-265**

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**<sup>1</sup> held deliberations on January 26, 1996 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) November 9, 1995 Determination finding Dr. Derrick K. Mobley (Respondent) guilty of professional misconduct. The Respondent requested the Review through a Notice which the Board received on December 8, 1995<sup>2</sup>. James F. Horan served as Administrative Officer to the Review Board. The Respondent did not file a brief.

**SCOPE OF REVIEW**

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and

<sup>1</sup>Sumner Shapiro did not participate in the deliberations. Dr. Stewart participated in the deliberations by telephone.

<sup>2</sup>The filing of the Notice was timely. Certified mail records from the U.S. Postal Service, indicated that the Respondent did not receive his copy of the Hearing Committee Determination until November 27, 1995.

- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

### HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i), which provide for an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent's license to practice medicine was revoked by the State Board of Medicine of the Commonwealth of Pennsylvania (Pennsylvania Board), upon the Pennsylvania Board's finding that the Respondent's ability to practice medicine with reasonable skill and safety to patients was gravely impaired by reason of his admitted addiction to cocaine and his repeated attempts at recovery. The Committee found further that the Respondent had surrendered his license in New Jersey due to a substance abuse problem. The Committee concluded that the Respondent's conduct, if committed in New York would constitute being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects.

The Hearing Committee voted to revoke the Respondent's license to practice medicine in New York State. The Committee found that the Respondent failed to appear at the hearing and failed to offer any evidence on his behalf. The Committee found that the Respondent was unable to complete drug rehabilitation programs and failed to submit to urine screenings. The Committee concluded that the Respondent's failure to appear at his hearing indicated that the Respondent's drug impairment remains unresolved. The Committee concluded that the Respondent's cocaine addiction created a grave risk of harm to any patient in his care.

#### REQUESTS FOR REVIEW

Although the Respondent requested the review in this case, he has failed to submit a brief raising any issues with the Review Board.

#### REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below.

The Review Board finds that the Respondent has abandoned his appeal in this case, by failing to submit a brief. Upon reviewing the Hearing Committee's Determination under the scope of review which Public Health Law §230-c(4)(a) sets out, the Review Board sustains the Hearing Committee on Professional Medical Conduct's Determination finding the Respondent guilty of misconduct and revoking the Respondent's license to practice medicine in New York State.

**ORDER**

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **FINDS** that the Respondent has abandoned his appeal.
2. The Review Board **SUSTAINS** the Hearing Committee's November 9, 1995 Determination in this case.

**ROBERT M. BRIBER**  
**WINSTON S. PRICE, M.D.**  
**EDWARD SINNOTT, M.D.**  
**WILLIAM A. STEWART, M.D.**

IN THE MATTER OF DERRICK K. MOBLEY, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Mobley.

DATED: Schenectady, New York

2/14, 1996

REDACTED

ROBERT M. BRIBER

IN THE MATTER OF DERRICK K. MOBLEY, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Mobley.

DATED: Brooklyn, New York

2/16, 199<sup>6</sup><sub>5</sub>

REDACTED

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WINSTON S. PRICE, M.D.



IN THE MATTER OF DERRICK K. MOBLEY, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Mobley.

DATED: Roslyn, New York

*Feb 7, 1996*

REDACTED

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EDWARD C. SINNOTT, M.D.

IN THE MATTER OF DERRICK K. MOBLEY, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Mobley.

DATED: Syracuse, New York

5 Feb, 1995

REDACTED

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WILLIAM A. STEWART, M.D.