

Public

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

IN THE MATTER
OF
CHARLOTTE HOVEY, M.D.
CO-12-02-0498-A

COMMISSIONERS
SUMMARY
ORDER

TO: Charlotte, M.D.
REDACTED

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Colorado, Colorado Medical Board, has made a finding substantially equivalent to a finding that the practice of medicine by **CHARLOTTE HOVEY, M.D.**, Respondent, New York license number 219259, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Interim Cessation of Practice Agreement, dated January 18, 2012, and allied papers, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **CHARLOTTE HOVEY, M.D.** shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Colorado.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the State of Colorado, Colorado Medical Board proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, RIVERVIEW CENTER, 150 BORADWAY, SUITE 510, ALBANY, NY 12204-2719, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON

SUCH CONCLUSION.

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 FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York
Nov 8, 2012

REDACTED

Nirav R. Shah, M.D., M.P.H.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Jude B. Mulvey
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

BEFORE THE COLORADO MEDICAL BOARD
STATE OF COLORADO
CASE NO: 2012-000053-A

INTERIM CESSATION OF PRACTICE AGREEMENT

IN THE MATTER OF THE LICENSE TO PRACTICE MEDICINE AS A PHYSICIAN IN
THE STATE OF COLORADO OF CHARLOTTE E. HOVEY, M.D., LICENSE NO. DR-
38006,

Respondent.

IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Charlotte E. HOVEY, M.D. ("Respondent") (collectively "the parties") as follows:

1. Respondent was licensed to practice medicine in the state of Colorado on July 22, 1999, and was issued license number DR-38006, which Respondent has held continuously since that date.
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On January 12, 2012, the Panel reviewed materials from case number 2012-000053-A. Included in this information was a report from the Colorado Physician Health Program ("CPHP") that Respondent had a physical or mental illness or condition that could render Respondent unsafe to practice, and that CPHP had concluded, from a medical/psychiatric perspective, that Respondent currently was not safe to practice with reasonable skill and safety to patients.
4. Based upon the information and the totality of the circumstances, the Panel had objective and reasonable grounds to believe and found that the public health, safety or welfare imperatively required emergency action. Accordingly, the Panel found grounds for summary suspension but authorized the parties to enter into an agreement for Respondent not to practice.
5. In lieu of summary suspension pursuant to section 24-4-104(4), C.R.S., the parties have agreed to enter this Interim Cessation of Practice Agreement ("Interim Agreement") pending further evaluation and investigation of Respondent's practice to determine what further actions, if any, are warranted. Any summary suspension is hereby stayed pursuant to the terms of this Interim Agreement.

6. Respondent agrees that she will not perform any act requiring a license issued by the Board while this Interim Agreement is in effect.

7. This Interim Agreement shall remain in effect until such time as the parties reach a final disposition of this case or, in the event additional summary suspension proceedings are initiated, until such time as an order for summary suspension enters.

8. The Panel agrees that it will not institute summary suspension proceedings while this Interim Agreement is in effect so long as the Respondent remains in compliance with this Interim Agreement and so long as the Panel does not learn of new information that would indicate that summary suspension is warranted.

9. Nothing in this Interim Agreement shall constitute disciplinary action, a finding that Respondent has engaged in unprofessional conduct, or any admission by Respondent of unprofessional conduct. There have been no final determinations regarding Respondent's professional competence or professional conduct. Nothing in this Interim Agreement shall constitute final actions as defined in section 24-4-102(1), C.R.S.

10. Nothing in this Interim Agreement shall preclude the Panel from initiating disciplinary action pursuant to section 12-36-118, C.R.S., or issuing a Final Agency Order while this Interim Agreement is in effect.

11. Respondent understands that Respondent has the right to be represented by counsel of Respondent's choice in this matter, and Respondent is represented by counsel in this matter.

12. The terms of this Interim Agreement were mutually negotiated and determined.

13. Both parties acknowledge that they understand the legal consequences of this Interim Agreement, both parties enter into this Interim Agreement voluntarily, and both parties agree that no term or condition of this Interim Agreement is unconscionable.

14. This Interim Agreement and all its terms constitute a valid board order for purposes of section 12-36-117(1)(u), C.R.S.

15. So that the Board may notify hospitals of this Interim Agreement, Respondent presently holds privileges at the following hospitals:

16. Invalidation of any portion of this Interim Agreement by judgment or court order shall in no way affect any other provision, which provision shall remain in full force and effect.

17. This Interim Agreement shall be effective upon signature by Respondent. Respondent acknowledges that the Panel may choose not to accept the terms of this Interim Agreement and that if the Interim Agreement is not approved by the Panel and signed by a Panel member or other authorized person, it is void.

18. This Interim Agreement constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Interim Agreement.

19. All costs and expenses incurred by Respondent to comply with this Interim Agreement shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

20. This Interim Agreement shall constitute a public record but is not reportable to the National Practitioner Data Bank or to the Healthcare Integrity Protection Data Bank.

REDACTED

Charlotte C. Hovey, M.D.

THE FOREGOING was acknowledged before me this 17 day of January, 2012
by Charlotte C. Hovey, M.D. in the County of St. Johns, State of

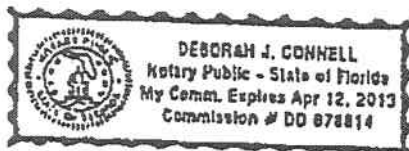
Florida

REDACTED

NOTARY PUBLIC

4/12/13

Commission expiration date



THE FOREGOING Interim Cessation of Practice Agreement is effective upon signature by Respondent, above, and is approved this 18th day of January, 2012.

FOR THE COLORADO MEDICAL BOARD
INQUIRY PANEL A

REDACTED

✓
Marshall S. Smith
Program Director

APPROVED AS TO FORM:

FOR CHARLOTTE C. HOVEY, M.D.

SILVER & DEBOSKEY PC

REDACTED

✓
VICTORIA E. LOVATO, #31700
The Smith Mansion
1801 York St.
Denver, CO 80206
Telephone: (303) 399-3000
FAX: (303) 399-2650

FOR THE COLORADO MEDICAL BOARD

JOHN W. SUTHERS
Attorney General

REDACTED

✓
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