



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Richard F. Daines, M.D.  
*Commissioner*

Wendy E. Saunders  
*Executive Deputy Commissioner*

December 11, 2008

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Leighton Perrins, M.D.

Redacted Address

Michael G. Bass, Esq.

NYS Department of Health

ESP – Corning Tower – Room 2509

Albany, New York 12237

**RE: In the Matter of Leighton Perrins, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 08-233) 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 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), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp.2007), “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.

This 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 transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board’s Determination and Order.

Sincerely,

Redacted Signature

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

IN THE MATTER  
OF  
LEIGHTON PERRINS, M.D.

DETERMINATION  
AND  
ORDER

BPMC No. 08-233

**BACKGROUND**

The Petitioner is subject to Bureau of Professional Medical Conduct (hereinafter "BPMC") Order No. 05-281, effective 12/13/05, with attached Terms of Probation, based on a Pennsylvania State Board of Medicine Order dated 2/22/05 and criminal convictions on 9/19/03 for misdemeanor driving while intoxicated and felony resisting arrest.

On June 20, 2008, a Physician Monitoring Program investigation was opened upon receipt of the Federation of State Medical Board's Monthly Board Action Disciplinary Alert Report dated, 6/12/08, indicating action against the medical license of the Respondent by the Pennsylvania State Board of Medicine.

On October 2, 2008, Keith W. Servis, Director, Office of Professional Medical Conduct (hereinafter "OPMC"), sent a letter to the Respondent informing him that Director Servis had determined he was in violation of the Terms of Probation imposed upon him by BPMC Order 05-281, including the facts that formed the basis of the alleged violations of probation and informing the Respondent that he had a right to a hearing and may be represented by counsel. The letter was sent by certified mail to the Respondent's last known address and was received by a Donna Williams on October 8, 2008. To date, the Respondent has not responded to the aforementioned letter.

A proceeding was held on December 9, 2008, at the offices of the New York State Department of Health ("the Petitioner"). The Petitioner appeared by Thomas Conway, Esq., General Counsel, by Michael G. Bass, Esq., of Counsel. The Respondent did not appear at the proceeding, either in person or by counsel.

## **STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(19). The statute provides for an expedited proceeding when a licensee is charged with being in violation of a BPMC Order involving Terms of Probation. In such cases, a licensee is entitled to a hearing if the licensee disputes the allegations set forth in the letter within 20 days of the date of that letter. If the licensee does not dispute the facts forming the basis of the alleged violation of probation within twenty days of the date of the letter, the Director shall submit the matter to a committee on professional conduct for its review and determination.

## **FINDINGS**

1. The Respondent violated BPMC Order No. 05-281 by failing to maintain active registration of license and paying all registration fees.
2. The Respondent violated his Terms of Probation by failing to notify OPMC of the Pennsylvania State Board investigation and subsequent disciplinary action, within 30 days of each.
3. The Respondent violated his Terms of Probation by failing to comply with the underlying, 2/22/05, Pennsylvania State Board of Medicine Order.
4. The Respondent violated his Terms of Probation by failing to submit semi-annual compliance declarations from 6/13/07 to 6/12/08.
5. The Respondent violated his Terms of Probation by failing to respond to correspondence from the Physician Monitoring Program, OPMC, dated 3/10/08.
6. Keith W. Servis, Director of OPMC, sent a letter dated 10/2/08 by certified mail to the Respondent's last known address. The letter notified the Respondent that it had been determined that he was in violation of the Terms of Probation imposed upon him by BMPC Order No. 05-281, the facts underlying the alleged violations of

probation, and the fact that the Respondent was entitled to a hearing and an attorney.

7. To date, the Respondent has not responded to Director Servis' letter.

### **COMMITTEE DETERMINATION**

Petitioner established that due diligence was exercised in attempting to serve the Respondent with Director Servis' determination letter by certified mail at the Respondent's last known address.

The record indicates that the Respondent is in violation of BPMC Order No. 05-281 and the attached Terms of Probation in that he failed to maintain active registration of license with the New York State Education Department and pay all registration fees, failed to comply with the Order imposed by the Pennsylvania State Board of Medicine, failed to notify OPMC of the investigation and subsequent disciplinary action that resulted from violating the Pennsylvania Order, failed to submit to semi-annual compliance declarations from 6/13/07 to 6/12/08 and failed to respond to correspondence from the Physician Monitoring Program, OPMC, dated 3/10/08.

The Committee agrees with the recommendation by Petitioner that Respondent's license to practice medicine in New York State be revoked. No other penalty will sufficiently protect the People of this State.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. Respondent's license as a physician in the State of New York be revoked.
2. The name of the Respondent be stricken from the roster of physicians in the State of New York.
3. The Respondent pay a fine of \$10,000 within 30 days of the effective date of this order.

4. That this Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**SO ORDERED.**

DATED: 12-9-2005

Redacted Signature

~~LYON M. GREENBERG, M.D.~~  
Chairperson

DAVID B. TYLER, M.D.  
WILLIAM W. WALLENCEN, Ph.D.