



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

September 19, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Matthew Block, M.D.
Scotland Cardiology, PA
1601 Medical Drive, #B
Laurinburg, North Carolina 28352

Pooja Rawal, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Matthew Block, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 18-206) 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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.

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

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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 solid black rectangular redaction box covering the signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: nm
Enclosure

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

-----X
: IN THE MATTER :
: OF :
: MATTHEW BLOCK, M.D. :
-----X

: DETERMINATION :
: AND :
: ORDER :
: :
-----X

BPMC-18-206

A hearing was held on August 15, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to §230(10)(c) of the New York State Public Health Law (PHL), JAMES M. LEONARDO, M.D., Ph.D., Chairperson, JANET R. AXELROD, ESQ., and WILLIAM A. TEDESCO, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. JEAN T. CARNEY, ADMINISTRATIVE LAW JUDGE (ALJ), served as the Administrative Officer.

The Department appeared by Senior Attorney Pooja Rawal. A Notice of Referral Proceeding and Statement of Charges, dated June 15, 2018, were duly served pursuant to PHL §230(10)(d)(i) upon Matthew Block, M.D. (Respondent), who failed to appear. (Exhibit 2). The Hearing Committee received and examined documents from the Department (Exhibits 1-4) and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct, in violation of New York State Education Law (Educ. Law) §6530(9)(d), and that pursuant to PHL §230-a, the penalty of revocation of his license is appropriate.

BACKGROUND

The Department has brought the case pursuant to PHL §230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law §6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(d), by having had his license to practice medicine revoked, or suspended, or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such action would, if committed in New York State, constitute professional misconduct under the laws of New York State. Under PHL §230(10), the Department has the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was authorized to practice medicine in New York State on February 12, 1992, by the issuance of license number 188324. (Exhibit 1).
2. On October 19, 2017, the Respondent entered into a Consent Order with the North Carolina Medical Board (North Carolina Board) wherein he admitted to failing to maintain complete, timely, and thorough medical records for all patients; abusing alcohol such that he was unable to practice medicine with reasonable skill and safety to patients; prescribing controlled substances to an immediate family member; and diverting an immediate family member's prescriptions for Hydrocodone and Phentermine for his own use. (Exhibit 4).
3. The North Carolina Board suspended the Respondent's medical license for 24 months, with the suspension immediately stayed so long as the Respondent adhered to certain terms and

conditions. The Respondent was prohibited from prescribing controlled substances; required to maintain complete and timely medical records for all patients; refrain from the use and possession of alcohol and all other controlled substances unless lawfully prescribed by a physician other than himself; continue to comply with his contract with the North Carolina Physician's Health Program (NCPHP), and must submit to random drug screens as may be requested by the Board. (Exhibit 4).

4. The Respondent had been disciplined by the North Carolina Board on two prior occasions. In July 2003, he was reprimanded for allowing his wife to access patients' medical records, and sign them in his name. In November 2008, the Respondent was placed on indefinite probation based, in relevant part, on his failure to document several prescriptions to employees, and having authorized numerous prescriptions for controlled substances to a relative. (Exhibit 4).

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

The Hearing Committee concluded that the evidence supports sustaining the charge of having committed misconduct as defined in Educ. Law §6530(9)(d).

VOTE: Sustained (3-0)

CONCLUSIONS OF LAW

The Hearing Committee reviewed the Department's evidence showing that the Respondent's license to practice medicine was suspended by the North Carolina Board, a duly authorized disciplinary agency. The North Carolina Board found that the Respondent committed unprofessional conduct by failing to maintain complete, timely, and thorough medical records on all patients. Like North Carolina, New York requires physicians to maintain accurate and complete patient medical

records. If the Respondent had disregarded this obligation in New York, his conduct would have constituted negligence on more than one occasion, as defined in Educ. Law §6530(3).

Additionally, the record reflects the Respondent's history of drug and alcohol abuse, including his admission to taking Hydrocodone and Phentermine that he had prescribed for a family member and diverted for his use. This conduct would constitute professional misconduct as defined in Educ. Law §6530(8), if committed in New York State.

In considering the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties; the Hearing Committee noted that although the Respondent was duly served with notice of the hearing pursuant to PHL §230(10)(d), he failed to respond to the charges. The Hearing Committee also noted that the Respondent has not practiced medicine in New York for a significant period of time, and he has established roots in his community in North Carolina. The Hearing Committee took into consideration the Respondent's history of substance abuse, and that he has been disciplined by the North Carolina Medical Board on two prior occasions. Therefore, the Hearing Committee agrees with the Department's recommendation that the Respondent's medical license in New York State be revoked pursuant to PHL §230-a(4).

ORDER

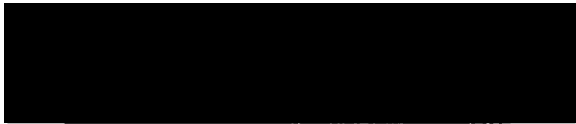
IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges is sustained;
2. The Respondent's license to practice medicine is REVOKED; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL §230(10)(h).

DATED: Albany, New York
NYS DEPT OF HEALTH
, 2018

SEP 18 2018

Division of Legal Affairs
Bureau of Adjudication



James M. Leonardo, M.D., PhD.
Chairperson

Janet R. Axelrod, Esq.
William A. Tedesco, M.D.

To: Matthew Block, M.D.
Scotland Cardiology, PA
1601 Medical Drive, #B
Laurinburg, NC 28352

Pooja Rawal, Esq.
Senior Attorney
Bureau of Professional Medical Conduct
Coming Tower Building - Room 2512
Empire State Plaza
Albany, New York 12237

APPENDIX I

NEW YORK STATE
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

DEPARTMENT OF HEALTH

IN THE MATTER
OF
MATTHEW BLOCK, M.D.

STATEMENT
OF
CHARGES

MATTHEW BLOCK, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 12, 1992, by the issuance of license number 188324 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 1, 2017, the Respondent entered a Consent Order ("Order") with the North Carolina Medical Board ("NCMB"). The Order was based on allegations of prescribing controlled substances to an immediate family member, failure to maintain records, abusing alcohol, and diverting an immediate family member's prescribed medication for his own personal use. The Respondent admitted to all allegations in the order and the NCMB found grounds existed for the NCMB to discipline the Respondent. The Respondent received a suspension for a period of twenty-four months, which would be immediately stayed and was to remain stayed so long as the Respondent adheres to the following terms and conditions. Respondent was restricted and prohibited from prescribing Schedule I, II/IIIN, III/IIIN, and IV

controlled substances. The Respondent was also directed to finish dictation in a timely manner and maintain complete and timely medical records for all patients. The Respondent was also required to maintain his current contact with the North Carolina Physician's Health Program and abide by its terms. In addition, the Respondent was to refrain from the use or possession of alcohol, other mind- or mood-altering substances, and controlled substances unless lawfully prescribed for him by someone other than himself. The Respondent was also required to supply urine, blood, hair, and other bodily fluid or tissue sample to the Board to determine if he had consumed any of the prohibited substances.

B. The conduct resulting in the NCMB's disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York State Law:

1. New York Education Law §6530(3) (Practicing the profession of medicine with negligence on more than one occasion); and/or
2. New York Education Law §6530(8) (Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects).

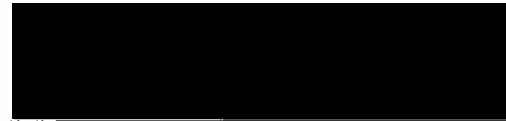
SPECIFICATION OF CHARGES
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked,

suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York State as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and B1; and/or B2.

DATE: June 15, 2018
Albany, New York



MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct