



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

September 30, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Evelyn Tenenbaum, Esq.  
NYS Department of Health  
Corning Tower-Room 2438  
Empire State Plaza  
Albany, New York 12237

Marie Cortelyou, M.D.  
5335 Cambria Drive  
Colorado Springs, Colorado 80918

Effective Date: ~~10/07/96~~

**RE: In the Matter of Marie Cortelyou, M.D.**

Dear Ms. Tenenbaum and Dr. Cortelyou:

Enclosed please find the Determination and Order (No. 96-232) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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 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.

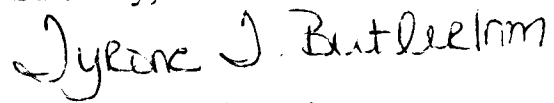
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., 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 initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

IN THE MATTER  
OF  
MARIE CORTELYOU, M.D.

DETERMINATION  
AND  
ORDER

BPMC-96-232

A Notice of Referral Proceedings and Statement of Charges, both dated July 1, 1996 were served upon the Respondent, **MARIE CORTELYOU, M.D. JOSEPH G. CHANATRY, M.D.**, Chairperson, **AARON STEVENS, M.D.** and **MR. ANTHONY C. BIONDI** 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. **MICHAEL P. McDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on September 18, 1996. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **EVELYN M. TANENBAUM, ESQ.**, of Counsel. The Respondent failed to appear.

Evidence was received and transcripts of these proceedings were made.

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

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited.

1. Marie Courtelyou, M.D., the Respondent, was authorized to practice medicine in New York State on July 13, 1962 by the issuance of license number 087877 by the New York State Education Department. (Pet's. Ex's. 1 and 2).
2. The Medical Board of Colorado, [hereinafter "the Colorado Board"], on or about March 21, 1996, approved the Stipulation and Final Agency Order, the Respondent was found guilty of multiple acts of unprofessional conduct which constitute violations of Colorado Revised Statutes. (Pet's. Ex. 3).
3. The Final Agency Order found Respondent guilty of unprofessional conduct including: acts of omissions that fail to meet generally accepted standards of medical care and repeated failure to make essential entries into patient record. (Pet's. Ex. 3).
4. The Colorado Board ordered an open ended term of probation including: following and successfully completing individualized learning plan created by Colorado Personalized Education for Physicians Program, and practice monitor. (Pet's. Ex. 3).

5. The conduct underlying the Colorado Board's finding of unprofessional conduct would, if committed in New York state, constitute professional misconduct under N.Y. Education Law §6530(5) (McKinney Supp. 1996) [practicing the profession with incompetence on more than one occasion], and or N.Y. Education Law §6530(32) (McKinney Supp. 1996) [failing to maintain patient records].

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATION**

**FIRST SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530 (9)(b) (McKinney Supp. 1996) by reason of her having been found guilty of 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.

**SUSTAINED (3-0)**

**DETERMINATION OF THE HEARING COMMITTEE**

The evidence in this case indicates that the Respondent has had a nine (9) year history of inadequate medical practice in the State of Colorado. She has been under probation and supervision for the entire nine (9) years, and she has apparently not corrected her deficiencies despite retraining and numerous warnings from the Colorado Board. (Pet's. Ex. 3).

The Respondent has made no attempt whatsoever to respond to the Charges in this instant Referral Proceeding.

The Hearing Committee determines (3-0) that the Respondent's license to practice medicine in the State of New York should be **REVOKED**.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED.**
2. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

**DATED: Utica, New York**  
*Sept 26, 1996*

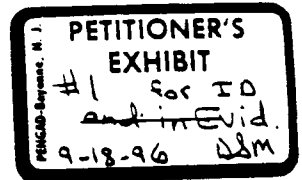
*Joseph G. Chanatry M.D.*  
**JOSEPH G. CHANATRY, M.D., Chairperson**

**AARON STEVENS, M.D.**  
**MR. ANTHONY C. BIONDI**





## APPENDIX I



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

-----X

IN THE MATTER : NOTICE OF  
OF : REFERRAL  
MARIE CORTELYOU, M.D. : PROCEEDING

-----X

TO: MARIE CORTELYOU, M.D.  
5335 Cambria Drive  
Colorado Springs, Colorado 80918

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1996) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of September, 1996 at 10:00 in the forenoon of that day at the Legislative Office Building, Room 104-A, Empire State Plaza, Albany, New York 12248.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited

to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before September 9, 1996.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 9, 1996 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.


The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy

of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*August 7*, 1996

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

KIMBERLY A. O'BRIEN  
Senior Attorney  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
MARIE CORTELYOU, M.D. : CHARGES

-----X

MARIE CORTELYOU, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 13, 1962 by the issuance of license number 087877 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

- A
1. The Medical Board of Colorado, [hereinafter "the Colorado Board"], on or about March 21, 1996, approved the Stipulation and Final Agency Order, Respondent was found guilty of multiple acts of unprofessional conduct which constitute violations of Colorado Revised Statutes.
  2. The Final Agency Order found Respondent guilty of unprofessional conduct including: acts of omissions that fail to meet generally accepted standards of medical care and repeated failure to make essential entries into patient records.
  3. The Colorado Board ordered an open ended term of

probation including: following and successfully completing individualized learning plan created by Colorado Personalized Education for Physicians Program, and practice monitor.

4. The conduct underlying the California Board's finding of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) (McKinney Supp.1996) [practicing the profession with negligence on more than one occasion], and or N.Y. Educ. Law §6530(5) (McKinney Supp.1996) [practicing the profession with incompetence on more than one occasion], and or N.Y. Educ. Law §6530(32) (McKinney Supp.1996) [failing to maintain patient records].

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION**

#### **HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1996) by reason of his having been found guilty of 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, in that

Petitioner charges:

2. The facts in Paragraphs A.1, A.2, A.3 and/or A.4.

DATED: *July 1*, 1996  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct