



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Ansel R. Marks, M.D., J.D.
Executive Secretary

Public

August 22, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Richard Eugene Matthews, M.D.
143 Tower Drive
Virginia Beach, VA 23462

Re: License No. 111092

Dear Dr. Matthews:

Enclosed is a copy of Order #BPMC 05-177 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 29, 2005.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

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

IN THE MATTER

SURRENDER

OF

ORDER

**RICHARD EUGENE MATTHEWS, M.D.
CO-05-04-2053-A**

BPMC No. #05-177

RICHARD EUGENE MATTHEWS, M.D., says:

On or about January 26, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 111092 by the New York State Education Department. I currently reside at 143 Tower Drive, Virginia Beach, VA 23462.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with four (4) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the four (4) specifications set forth in the Statement of Charges (Exhibit A).


I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict

confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

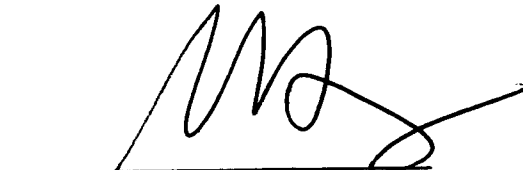
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 8/8/05, 2005



RICHARD EUGENE MATTHEWS, M.D.
Respondent

AGREED TO:

Date: 15 August, 2005


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 19 August, 2005


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

IN THE MATTER
OF
RICHARD EUGENE MATTHEWS, M.D.
CO-05-04-2053-A

STATEMENT
OF
CHARGES

RICHARD EUGENE MATTHEWS, M.D., the Respondent, was authorized to practice medicine in New York state on January 26, 1972, by the issuance of license number 111092 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 6, 2003, in the General District Court for the County of Otter Trail, State of Minnesota, Respondent was found guilty, based on a plea of guilty, of Driving While Impaired, a misdemeanor, and was sentenced to one hundred eighty (180) days jail, one hundred fifty (150) stayed for six (6) years, and a \$1,000.00 fine and \$45.00 in fees.

B. On or about June 8, 2004, in the Circuit Court of the City of Norfolk, Virginia, Respondent was found guilty of Driving Under the Influence 3rd or Subsequent Offense, a felony, and on or about November 5, 2004, was sentenced to five (5) years incarceration, all but sixty (60) days suspended, followed by three (3) years supervised probation, an indefinite suspension of his driving license, a \$1,500.00 fine, and \$500.00 costs.

C. On or about February 8, 2005, the Commonwealth of Virginia, Department of Health Professions (hereinafter "Virginia Board"), by an Order (hereinafter "Virginia Order"), suspended Respondent's privileges to renew his medical license, based on the conviction set forth in Paragraph B, above.

D. The conduct resulting in the Virginia Board disciplinary action against 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(9)(a)(i) having been convicted of committing an act constituting a crime under state law.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under another jurisdiction and which if committed in this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.
2. The facts in Paragraph B.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or 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:

3. The facts in Paragraphs B, C, and/or D.

FOURTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken, by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

4. The facts in Paragraphs B, C, and/or D.

DATED: *August 12*, 2005
Albany, New York



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

ORDER


Upon the proposed agreement of **RICHARD EUGENE MATTHEWS, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8-22-, 2005


KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct