



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

September 2, 1998

Dennis P. Whalen
Executive Deputy Commissioner

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
Corning Tower - Room 2509
Empire State Plaza
Albany, New York 12237

Earl J. Rawlins, Esq.
2090 Adam Clayton Powell Jr. Boulevard
New York, New York 10027

Edward Jackson Henderson, M.D.
232 Mamaroneck Avenue, Apt. 1A
Mamaroneck, New York 10543

RE: In the Matter of Edward Jackson Henderson

Dear Parties :

Enclosed please find the Determination and Order (No. 98-203) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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), 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.

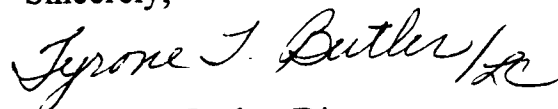
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
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 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 cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:lcc
Enclosure

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

**IN THE MATTER
OF
EDWARD JACKSON HENDERSON, M.D.**

**COPY
DETERMINATION
AND
ORDER**

BPMC-98-203

A Notice of Referral Proceeding and Statement of Charges, both dated June 11, 1998 were served upon the Respondent, **EDWARD JACKSON HENDERSON, M.D.**

IRWIN COHEN, M.D., Chairperson, **JAMES DUCEY** and **ZORAIDA NAVARRO, M.D.**, 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 Administrative Officer.

A hearing was held on August 19, 1998, at the Offices of the New York State Department of Health, 5 Penn Plaza, New York, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **EARL A. RAWLINS, ESQ.**, 2090 Adam Clayton Powell Jr. Blvd, New York, New York 10027.

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)(a)(i) and 6530(9)(a)(iii). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

WITNESSES

For the Petitioner:	NONE
For the Respondent:	Harold Rotkin, M.D.

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 evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. Edward Jackson Henderson, M.D., the Respondent, was authorized to practice medicine in New York State on September 19, 1973 by the issuance of license number 118130 by the New York State Education Department. (Pet's. Ex. 3)
2. On April 9, 1993, in the Criminal Court of the City of New York, County of Bronx, the Respondent entered a plea of guilty and was found guilty of one count of (A)ttempted Criminal possession of a weapon in the fourth degree, Sections 110 and 265.01 of the New York Penal Law, a misdemeanor. (Pet's. Exs. 4 and 5)
3. On May 20, 1996, in the Trial Court of Massachusetts, Brighton, MA, the Respondent entered a plea of guilty and was found guilty of one count of Section 13A of the Massachusetts Criminal Law, (A)ssault or assault and battery, a crime. (Pet's. Exs. 6 and 7)
4. The crime of which the Respondent was found guilty in Massachusetts, if committed within New York State, would have constituted a crime under Section 120.00 of the New York Penal Law, (A)ssault in the third degree, a misdemeanor.

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

1. The Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(i) by reason of having been convicted of committing an act constituting a crime under New York State law.

VOTE: SUSTAINED (3-0)

2. The Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(iii) by reason of having been convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would have constituted a crime under New York State law.

VOTE: SUSTAINED (3-0)

DETERMINATION OF THE HEARING COMMITTEE

On two occasions, the Respondent was convicted of crimes evidencing unstable, violent behavior which is totally incompatible with the practice of medicine, especially with the practice of the Respondent's chosen subspecialty, i.e., psychiatry.

The Hearing Committee has given due consideration to the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Hearing Committee considered suspension, but was uneasy about the Respondent's reinstatement without an assessment regarding his fitness to resume medical practice.

Given the circumstances of this case, the Hearing Committee determines that the Respondent's license to practice medicine in the State of New York should be **REVOKED**, and should the Respondent apply for reinstatement of his license in the future, his application must be accompanied by a complete psychiatric evaluation by a psychiatrist who is familiar with the Respondent's history of unstable, violent behavior, and who is approved by the Office of Professional Medical Conduct.

ORDER

IT IS HEREBY ORDERED THAT:

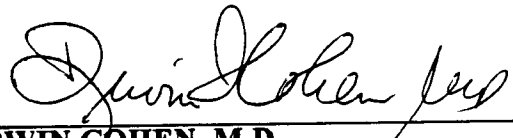
1. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED.**

2. The Hearing Committee further **ORDERS** that should the Respondent apply for the reinstatement of his license in the future, his application must be accompanied by a complete psychiatric evaluation by a psychiatrist who is familiar with the Respondent's history of unstable, violent behavior, and who is approved by the Office of Professional Medical Conduct.

3. 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: New York, New York

8/27/98 1998



IRWIN COHEN, M.D.

**JAMES DUCEY
ZORAIDA NAVARRO, M.D.**

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

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
EDWARD JACKSON HENDERSON, M.D. : PROCEEDING

-----X

TO: Edward Jackson Henderson, M.D.
232 Mamaroneck Avenue
Apartment 1A
Mamaroneck, New York 10543

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 16 day of July, 1998 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

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, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, 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 July 8, 1998.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before July 8, 1998 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
June 11, 1998



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

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
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
EDWARD JACKSON HENDERSON, M.D. : CHARGES

-----X

EDWARD JACKSON HENDERSON, M.D., the Respondent, was authorized to practice medicine in New York State on September 19, 1973 by the issuance of license number 118130 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 9, 1993 in the Criminal Court of the City of New York, County of Bronx, the Respondent entered a plea of guilty and was found guilty of one count of (A)ttempted Criminal possession of a weapon in the fourth degree, Sections 110 and 265.01 of the New York Penal Law, a misdemeanor, a crime.

B. On or about May 20, 1996, in the Trial Court of Massachusetts, Brighton, MA, the Respondent entered a plea of guilty and was found guilty of one count of Section 13A of the Massachusetts Criminal Law, (A)ssault or assault and battery, a crime.

C. The crime of which the Respondent was found guilty in Paragraph B above, if committed within New York State, would have constituted a crime under Section 120.00 of the New York Penal Law, (A)ssault in the third degree, a misdemeanor, a crime.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

1. Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (9) (a) (i) by reason of having been convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

The facts in Paragraph A.

2. Respondent is charged with professional misconduct under N.Y. Educ. Law §6530 (9) (a) (iii) by reason of having been convicted of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

The facts in Paragraphs B and C.

DATED: *June 11*, 1998
Albany, New York

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