

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12230

OFFICE OF PROFESSIONAL DISCIPLINE, A.V. ZOGG BLDG., 800 FOURTH STREET, RM. 317, LIVERPOOL, NEW YORK 13088

November 7, 1997

Clarence E. Beverly, Physician  
PO Box 1696  
Montague, NJ 07827

Re: Application for Restoration

Dear Dr. Beverly:

Enclosed please find the Commissioner's Order regarding Case No. 97-109-60R which is in reference to Calendar No. 0016016. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations

By: 

Gustave Martine  
Supervisor

cc: William L. Wood, Esq.  
Wood and Scher  
The Harwood Bldg  
Scarsdale, New York 10583

The University of the State of New York  
Education  Department

IN THE MATTER

of the

Application of CLARENCE E. BEVERLY  
for restoration of his license to practice  
medicine in the State of New York

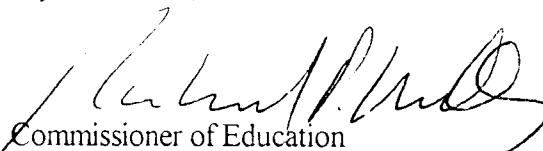
Case No. 97-109-60R

It appearing that the application of CLARENCE E. BEVERLY, PO Box 1696, Montague, New Jersey 07827, to surrender his license to engage in the practice of medicine in the State of New York, was granted by the Board of Regents on February 26, 1988, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having reviewed and considered the recommendations of the Peer Review Panel and the Committee on the Professions, and having determined that restoration of said license at this time is appropriate, now, pursuant to action taken by the Board of Regents on September 19, 1997, it is hereby

ORDERED that the petition for restoration of License No. 130318, authorizing CLARENCE E. BEVERLY to practice as a physician in the State of New York, is granted.

IN WITNESS WHEREOF, I, RICHARD P. MILLS,  
Commissioner of Education of the State of New York,  
for and on behalf of the State Education Department,  
do hereunto set my hand and affix the seal of the State  
Education Department at the City of Albany, this 17<sup>th</sup>  
day of October, 1997.



  
Commissioner of Education

Case No. 97-109-60R

It appearing that the application of CLARENCE E. BEVERLY, PO Box 1696, Montague, New Jersey 07827, to surrender his license to engage in the practice of medicine in the State of New York, having been granted by action of the Board of Regents on February 26, 1988, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having reviewed and considered the recommendations of the Peer Review Panel and the Committee on the Professions, and having determined that restoration of said license would be appropriate at this time, now, pursuant to action taken by the Board of Regents on September 19, 1997, it was

VOTED that the petition for restoration of License No. 130318, authorizing CLARENCE E. BEVERLY to engage in the practice of medicine in the State of New York, be granted.

97-109-60R  
July 22, 1997

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Restoration of Medical License

Re: **Clarence E. Beverly**

Attorney: William L. Wood

Clarence E. Beverly, P.O. Box 1696, Montague, New Jersey 07827, petitioned for restoration of his medical license. The chronology of events is as follows:

- 03/25/77 Issued license number 130318 to practice medicine in New York State.
- 08/26/87 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 12/07/87 Applied to surrender medical license.
- 02/26/88 Board of Regents voted to grant application to surrender license.
- 03/23/88 Commissioner's Order effective.
- 05/03/94 Petition for restoration of medical license received.
- 06/07/96 Peer Review Panel restoration review.
- 04/18/97 Report and recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 07/22/97 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

**Disciplinary History.** On August 26, 1987, the State Board for Professional Medical Conduct charged Dr. Beverly with professional misconduct based on having his medical license summarily suspended by the State of Maryland where the conduct resulting in the suspension, if committed in New York State, constitutes professional misconduct under the laws of New York State. The Maryland Commission on Medical Discipline issued an Order on May 15, 1986, summarily suspending Dr. Beverly's license to practice medicine in that State. The Commission found that there

was "probable cause to believe that Respondent is professionally, physically and mentally incompetent and the public health, safety and welfare imperatively require emergency action in this case, ..." On December 7, 1987, Dr. Beverly applied to the Department of Health to surrender his license in full satisfaction of the Statement of Charges.

The Board of Regents voted to grant the application to surrender Dr. Beverly's medical license on February 26, 1988. The Commissioner's Order became effective March 23, 1988. His petition for restoration of his medical license was received on May 3, 1994.

**Recommendation of the Peer Review Panel.** (See attached report of the Peer Review Panel.) The Peer Review Panel (Iraj, Wu, Colgan) convened on June 7, 1996. In its report dated April 18, 1997, the Panel unanimously recommended that the revocation of Dr. Beverly's license to practice as a physician in the State of New York be stayed and he be placed on probation for ten years under specified terms and conditions, including a course of training during the first two years of probation, yearly reports from a neurologist regarding Dr. Beverly's fitness to practice medicine, and prohibition from practicing in the field of anesthesiology during the period of probation.

**Recommendation of the Committee on the Professions.** On July 22, 1997, the Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) met with Dr. Clarence E. Beverly to consider his petition for restoration of his license as a physician in New York State. Dr. Beverly was accompanied by his attorney, Mr. William L. Wood, Jr. He presented the Committee with the following materials: verification of the reinstatement of his medical license in New Jersey (June 11, 1997), verification of the reinstatement of his medical license in Maryland (August 1, 1996), letter of recommendation from the Chief Executive Officer of Sunrise House, and verifications of continuing education credits from Audio-Digest Foundation, Imedex USA, and Morristown Memorial Hospital.

The Committee asked Dr. Beverly to describe the circumstances that led to the surrender of his license in this State. He replied that he was an anesthesiologist for 18 years at Newark Medical Center and one day, while moving an obese patient in the Operating Room, he slipped, hit his head, and was hospitalized for one month. He said that he experienced some memory loss, had intermittent headaches, and retired voluntarily in 1981. Dr. Beverly said that during that year he realized he was drinking too much and that during the immediate preceding years his father had died, his ex-wife had died of cancer, and his mother had been diagnosed with Alzheimer's Disease.

He told the Committee that he went to the Caribbean Islands and his life began to fall apart. Dr. Beverly said that he realized that he "didn't do nothing well" and decided to enroll in the master's degree program in public health at Johns Hopkins University. He indicated that because of his drinking problem he left the program and went into an alcohol and drug rehabilitation program. He said that after six weeks he returned to the University and completed his master's degree program. Dr. Beverly stated that he was looking for an administrative job but was offered a job as an anesthesiologist, covering nurse anesthetists, in a small hospital. He said that after six weeks he was put in charge. Dr. Beverly told the Committee that after a year on the job a patient went into cardiac arrest but later was walking the halls and subsequently discharged. He reported that the patient returned to another hospital and complained of dizziness. Dr. Beverly said the patient sued and the hospital agreed to a \$500,000 nuisance suit but his insurance company wouldn't agree. He told the Committee that when the patient's lawyer found out about his rehabilitation the information was published on the front page of the local newspaper. Dr. Beverly said that New Jersey suspended his license at that time. He reported that the patient's case eventually went to trial, and the patient was awarded \$2,500,000.

Dr. Beverly stated that he didn't believe he was a chronic alcoholic and there was never a question of his being an alcoholic while he practiced. He said that he got to a point when he was wondering why he was unhappy but "didn't get to the point where I had lost big things." He indicated that he had depression with his alcoholism and is still involved with Alcoholics Anonymous, which he said was the most important thing in his life. Dr. Beverly told the Committee that he has been sober for 15 and one-half years. He referred the Committee to neurological exam results showing that he had no neurological deficits. He said that his licenses had been reinstated in Maryland and New Jersey and he has been working as a staff physician at Sunrise House in New Jersey since January 2, 1996. He stated that "the most important thing in my life has always been medicine and I don't want to die with a cloud over my license." Dr. Beverly indicated that he did not feel the probationary terms recommended by the Peer Review Panel were necessary because at the time of his meeting with the Panel, Maryland had not yet acted upon his petition for restoration of his license in that state.

The Committee concurs with the observation of the Peer Review Panel that Dr. Beverly has met the remorse and rehabilitation standards for restoration of his license. He has been sober for 15 and one-half years and continues his involvement with Alcoholics Anonymous. He has volunteered in his community, is on the Board of Directors of the Orange County Drug Abuse Council, and is co-founder of a men's club working with children. Similarly, through his refresher course in anesthesiology, continuing education

courses, and his current practice, the Committee believes Dr. Beverly has satisfied the reeducation criterion. Additionally, he passed the Special Purpose Examination (SPEX), administered by the Federation of State Medical Boards of the United States, which was used to test his competency by the state of Maryland. The Committee notes that the examination is recommended by the Federation as a basis for evaluating the competency of physicians who have not practiced for a number of years. The Office of Professional Medical Conduct indicates that given the length of time he has been out of practice and the lack of information to suggest competence or support restoration, they do not believe restoration would serve the public interest. However, they do indicate that if the State Education Department contemplates restoration of Dr. Beverly's license, it may also wish to consider an evaluation of his skills and abilities, to be followed by a period of retraining, a lengthy period of probation with continued practice monitoring and standard impairment terms. The Committee believes that his satisfactory performance on the SPEX examination provides a satisfactory evaluation of his skills and abilities.

The Committee notes that the Peer Review Panel recommended that the revocation of Dr. Beverly's license be stayed and that he be placed on probation. Similarly, the Office of Professional Medical Conduct recommended a period of probation. However, these recommendations were made before the State of Maryland reinstated his license with no restrictions on August 1, 1996 and the State of New Jersey reinstated his license with no restrictions on June 11, 1997. The surrender of Dr. Beverly's license in New York State was based upon his losing his license in Maryland. The decision to reinstate his license in Maryland without restriction was based upon Dr. Beverly's fitness for reinstatement using the following factors: the nature and circumstances of the original conduct, the subsequent conduct and reformation, present character, and present qualifications and competence to practice medicine. The Committee does not believe that, based upon the facts of this case, New York State needs to be more restrictive than Maryland or New Jersey. Therefore, after a complete review of the record, including Dr. Beverly's personal interview with the Committee on the Professions, the Committee voted unanimously to recommend that Dr. Beverly's license to practice as a physician in the State of New York be restored.

Johanna Duncan-Poitier, Chair

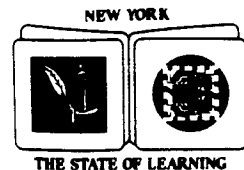
Kathy A. Ahearn

Frank Muñoz

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APR 06 1988

OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

ASSISTANT COMMISSIONER, OFFICE OF THE PROFESSIONS  
OFFICE OF PROFESSIONAL DISCIPLINE, 622 THIRD AVENUE, NEW YORK, NEW YORK 10017

March 18, 1988

Clarence E. Beverly, Physician  
8207 Orchard Point Road  
Pasadena, Maryland 21122

Clifton Avenue - #1812  
Newark, NJ 07104

Re: License No. 130318

Dear Dr. Beverly:

Enclosed please find Commissioner's Order No. 7986. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

A handwritten signature in cursive script, appearing to read "Moira A. Doran".

MOIRA A. DORAN  
Supervisor

DJK/MAD/sn  
Enclosures

CERTIFIED MAIL - RRR

cc: Kenneth Armstrong, Esq.  
204 Monroe Street - Suite 101  
Rockville, MD 20850



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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
CLARENCE E. BEVERLY, M.D. : LICENSE  
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STATE OF MARYLAND)  
COUNTY OF MONTGOMERY)

CLARENCE E. BEVERLY, M.D., being duly sworn, deposes and  
says:

That on or about March 25, 1977, I was licensed to practice  
medicine in the State of New York, having been issued License  
No. 130318 by the New York State Education Department.

I am not currently registered with the New York State  
Education Department.

I understand that I have been charged with one  
Specification of professional misconduct, as indicated in the  
Statement of Charges, attached hereto and made a part hereof as  
Exhibit A.

I do not contest the aforesaid Specification.

I am applying to the Board of Regents for permission to  
surrender my license to practice as a physician in the State of  
New York, in full satisfaction of the Statement of Charges.

CLARENCE E. BEVERLY, M.D.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that the application is not granted by the Board of Regents, 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 application 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 Board of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

CLARENCE E. BEVERLY, M.D.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

*Clarence E. Beverly, M.D.*

CLARENCE E. BEVERLY, M.D.  
Respondent

*State of Maryland County of Montgomery*

Sworn to before me this  
*7th* day of *December*, 1987.

*Phyllis N. Hact*

NOTARY PUBLIC

My Commission expires July 1, 1990

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
CLARENCE E. BEVERLY, M.D. : CHARGES

-----X

The State Board for Professional Medical Conduct, upon information and belief, charges and alleges as follows:

1. CLARENCE E. BEVERLY, M.D. hereinafter referred to as the Respondent, was authorized to engage in the practice of medicine in the State of New York on March 25, 1977 by the issuance of License Number 130318 by the State Education Department.

2. The Respondent is not currently registered with the New York State Education Department to practice medicine.

3. The Respondent herein is charged with professional misconduct within the purview of N.Y. Educ. Law §6509 (McKinney 1985 and Supp. 1987) as set forth in the attached Specification.

#### SPECIFICATION

4. The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(d) (McKinney Supp. 1987), by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his 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, in that, among other things and incidents:

On or about May 15, 1986, the Maryland Commission on Medical Discipline issued an Order whereby Respondent's license to practice medicine in the State of Maryland was summarily suspended. Respondent, on the receipt of said Order, was ordered to immediately deliver to the Commission his license and authorization to practice medicine in the State of Maryland. The Order further provided that "in the

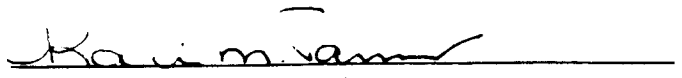
event Respondent desire[d] to practice another medical specialty other than anesthesia, Respondent may petition the Commission and submit evidence of his professional, medical and physical competency to practice that specialty."

The Commission found that, based upon the facts set forth in its Order for Emergency Suspension, there was "probable cause to believe that Respondent is professionally, physically and mentally incompetent and the public health, safety and welfare imperatively require[d] emergency action in this case, pursuant to State Government Article §10-405(b), Annotated Code of Maryland.

The Maryland statute and the Commission's Order provided that, in the event that Respondent submitted a written request for a hearing to consider said emergency suspension, such a hearing would be held before the Commission within thirty (30) days of the date of that request. To date, Respondent has not made such a request, and the May 15, 1986 Order stands.

DATED: Albany, New York

Aug. 26, 1987

A handwritten signature in cursive script, appearing to read "Kathleen M. Tanner", is written above a horizontal line.

KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
CLARENCE E. BEVERLY, M.D. : LICENSE  
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The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Date: 7 December 1987 *Clarence E. Beverly, M.D.*  
CLARENCE E. BEVERLY, M.D.  
Respondent

Date: 12/7/87 *H. Kenneth Armstrong*  
H. Kenneth Armstrong, Esq.  
Attorney for Respondent

Date: 30 Dec 87 *Albert L. Bartolotti, M.D.*  
MEMBER, State Board for  
Professional Medical Conduct

Date: 12/29/89 *Kathleen M. Tanner*  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

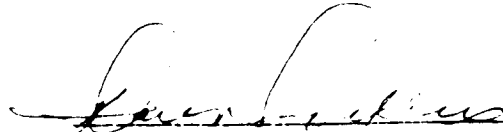


CLARENCE E. BEVERLY, M.D.

The undersigned has reviewed and agrees to the attached application to surrender.

Date:

12/29/89




DAVID AXELROD, M.D.  
Commissioner of Health

The undersigned, a member of the Board of Regents, has reviewed the attached application to surrender and recommends to the Board of Regents that the application be granted.

Date:

3/1/90

  
MEMBER OF THE BOARD OF REGENTS

Approved February 26, 1988

No. 7986

Upon the application of CLARENCE E. BEVERLY, under Calendar No. 7986, and in accordance with the provisions of Title VIII of the Education Law, it was

Voted: That the application of CLARENCE E. BEVERLY, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted and respondent's registration to practice as such be cancelled; that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued in this matter; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote.



# The University of the State of New York

IN THE MATTER

OF

CLARENCE E. BEVERLY  
(Physician)

DUPLICATE  
ORIGINAL ORDER  
NO. 7986

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Upon the application of CLARENCE E. BEVERLY, under Calendar No. 7986, and the vote of the Board of Regents on February 26, 1988, which application and vote are incorporated herein and made a part hereof, it is

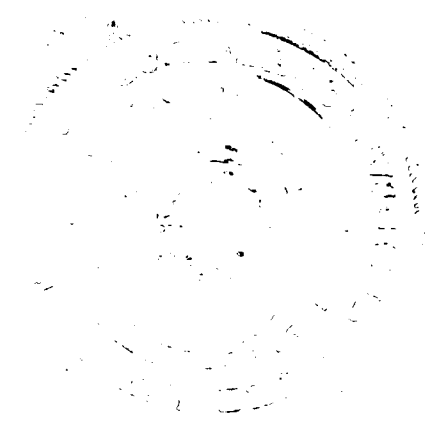
ORDERED that the application of CLARENCE E. BEVERLY, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted and respondent's registration to practice as such be cancelled; and that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this

*7th* day of *March*, 1988.

*Thomas Sobol*

Commissioner of Education



**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**CLARENCE E. BEVERLY**

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**CALENDAR NO. 7986**