



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

Dennis P. Whalen
Executive Deputy Commissioner

September 15, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William J. Lynch, Esq.
NYS Department of Health
Corning Tower Room 2503
Empire State Plaza
Albany, New York 12237-0032

James A. Resila, Esq.
Carter, Conboy et. al.
20 Corporate Woods Boulevard
Albany, New York 12211-2350

Brent Elman Woodfield, M.D.
85 Arbutus Trail
Chatham, Massachusetts 02633

RE: In the Matter of Brent Elman Woodfield, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 97-221) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

Larry Storch, 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,

Handwritten signature of Tyrone T. Butler in black ink, including the initials 'nm' at the end of the signature.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

COPY

IN THE MATTER

OF

BRENT ELMAN WOODFIELD, M.D.

DETERMINATION

AND

ORDER

BPMC-97- 221

A Notice of Hearing and Statement of Charges, both dated May 28, 1997, were served upon the Respondent, **BRENT ELMAN WOODFIELD, M.D. LYON M. GREENBERG., M.D.** (Chairperson), **DAVID T. LYON., M.D.** and **GEORGE F. COUPERTHWAIT, JR.**, 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. **JEFFREY ARMON**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on July 9, 1997. The Department of Health appeared by **HENRY M. GREENBERG**, General Counsel, by **WILLIAM J. LYNCH**, Esq., of Counsel. The Respondent appeared and was represented by **JAMES A. RESILA**, Esq. Evidence was received and witnesses sworn and heard 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 cases, 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, Respondent was charged with professional misconduct pursuant to Education Law Sections 6530(9)(b) and 6530(9)(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 parentheses 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.

1. Respondent was authorized to practice medicine in New York State on October 24, 1980, by the issuance of license number 144246 by the New York State Education Department.
(Ex.2)

2. The Board of Professional Discipline of the Idaho State Board of Medicine, in a Final Decision and Order dated March 11, 1996, found that Respondent had violated Idaho Code Sections 54-1814(7) and 54-1814(22) based on determinations that Respondent's conduct toward one patient was a gross ethical violation and constituted abuse or exploitation of a patient and that the care he provided to that patient and seven additional patients constituted a violation of the community standard of care including, but not limited to, the performance of unnecessary surgery, an inability to recognize normal anatomic structures and incompetent surgical skills. (Ex. 3)
3. By issuance of such Final Decision and Order, the Idaho Board determined to revoke Respondent's license to practice medicine and surgery in that state. (Ex.3)

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee unanimously concluded that the Department met its burden of proof. The preponderance of the evidence demonstrates that Respondent was found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state. The basis for the decision by the Idaho Board was conduct by the Respondent which, had it occurred in New York, would have constituted professional misconduct pursuant to New York Education Law Sections 6530(3) [practicing the profession with negligence on more than one occasion]; 6530(5) [practicing the profession with incompetence on more than one occasion]; 6530(20) [conduct which evidences moral unfitness] and 6530(31) [abuse of a patient]. The Hearing Committee determined to sustain the two Specifications set out in the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum for penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent raised a number of issues related to the propriety of the Idaho Board's Final Decision and Order which were factual issues addressed at, and decided pursuant to, the Idaho disciplinary proceeding. He was provided ample opportunity to contest the Idaho Board's allegations of professional misconduct. The Hearing Committee did not believe it appropriate to review determinations made by the Idaho Board which were based on an extensive investigation of the allegations.

The Hearing Committee believed Respondent was found to have committed serious acts of professional misconduct which would make license revocation the only appropriate penalty. The Committee considered the Respondent to have repeatedly exercised poor medical judgement in his treatment of multiple patients. He provided no evidence at this proceeding to indicate that he recognized that his conduct had been improper. The Committee did not conclude that Respondent could be expected to conform to accepted standards of practice even if he were to be retrained and made subject to a practice monitor.

The Respondent provided evidence demonstrating that the determination of the Idaho Board is being appealed. Should that determination be reversed and his Idaho license be restored, he may petition for restoration of his New York license.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications contained within the Statement of Charges (Ex. 1) are **SUSTAINED**, and
2. Respondent's license to practice medicine in New York be and hereby is **REVOKED**.
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: *Albany*, New York

9/11, 1997



LYON M. GREENBERG, M.D., (Chairperson)

**DAVID T. LYON, M.D.
GEORGE T. COUPERTHWAIT, JR.**

To: William J. Lynch, Esq.
NYS Department of Health
Corning Tower, Room 2503
Empire State Plaza
Albany, New York 12237-0032

Brent Elman Woodfield, M.D.
85 Arbutus Trail
Chatham, Massachusetts 02633

James A. Resila, Esq.
Carter, Conboy, et. al.
20 Corporate Woods Boulevard
Albany, New York 12211-2350

EXHIBIT
Recd 7-9-97
1
RWH

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

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
BRENT ELMAN WOODFIELD, M.D. : PROCEEDING

-----X

TO: BRENT ELMAN WOODFIELD, M.D.
600 W. 19th Street
Ada, OK 74820

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 9th day of July, 1997 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 will 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, 6th 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 June 27, 1997.

Pursuant to the provisions of N.Y. Public Health Law §230.10 (b), 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 June 27, 1997 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
May 28, 1997

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

Inquiries should be addressed to:

William C. Lynch, Esq.
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2603
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
BRENT ELMAN WOODFIELD, M.D. : CHARGES

-----X

BRENT ELMAN WOODFIELD, M.D., the Respondent, was authorized to practice medicine in New York State on October 24, 1980, by the issuance of license number 144246 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1997 through December 31, 1999.

FACTUAL ALLEGATIONS

1. By Finding of Fact, Conclusions of Law and Final Decision and Order dated March 11, 1996, the Board of Professional Discipline of the Idaho State Board of Medicine found that Respondent had violated Idaho Code § 54-1814 and § 54-1814(22). Specifically, the State Medical Board of Idaho concluded that the Respondent's sexual conduct toward one patient was a gross ethical violation and constituted an abuse or exploitation of a patient and that the care provided by Respondent to that individual and seven other patients constituted a violation of the community standard of care

including, but not limited to, the performance of unnecessary surgery, an inability to recognize normal anatomic structures, and inept surgical skills.

2. As set forth in the Order of the State Medical Board of Idaho, Respondent's license to practice medicine and surgery in that state has been revoked.

3. The conduct of which Respondent was found guilty in Idaho would, if committed in New York State, constitute professional misconduct under New York Education Law § 6530.21 conduct which evidences moral unfitness; New York Education Law § 6530.31) abusing a patient; New York Education Law § 6530.3 practicing the profession with negligence on more than one occasion; and New York Education Law § 6530.5 practicing the profession with incompetence on more than one occasion. McKinne, Supp. 1997.

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530.9(b) McKinne, Supp. 1997) in that Respondent was 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, and Petitioner charges the facts of paragraphs 1, 2 and/or 3.

SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530 9 d (McKinney Supp. 1997) in that Respondent had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges the facts of paragraphs 1, 2 and/or 3.

DATED: *May 28*, 1997
Albany, New York

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