

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

IN THE MATTER
OF
MARK BRYANT MORRISON, M.D.

COMMISSIONER'S
ORDER AND
NOTICE OF
HEARING

TO: Mark Bryant Morrison, M.D.
RFD #6 Old Road
Patterson, NY 10509

The undersigned, Barbara A. DeBuono, M.D., M.P.H., Commissioner of Health of the State of New York, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by Mark Bryant Morrison, M.D., the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12) (McKinney Supp. 1996), that effective immediately Mark Bryant Morrison, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12) (McKinney Supp. 1996).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1996), and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on August 2, 1996, at 10:00 a.m., at the offices of the New York State Health Department, 5 Penn Plaza, Sixth Floor, New York, NY 10001, and at such other adjourned dates, times and places as the

committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §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.

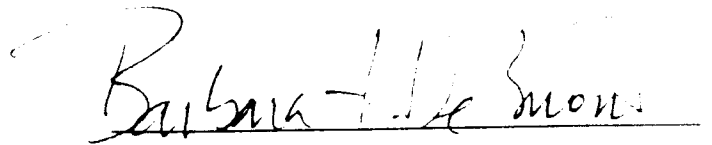
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Empire State Plaza, Corning Tower Building, 25th Floor, Albany, New York 12237-0026 and by telephone (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a (McKinney Supp. 1996). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

July 22, 1996

A handwritten signature in cursive script, reading "Barbara A. DeBuono", written over a horizontal line.

BARBARA A. DeBUONO, M.D., M.P.H.
Commissioner of Health

Inquiries should be directed to:

Ann Gayle
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
5 Penn Plaza
Suite 601
New York, New York 10001
(212) - 613-2615

IN THE MATTER
OF
MARK BRYANT MORRISON, M.D.

STATEMENT
OF
CHARGES

Mark Bryant Morrison, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 10, 1981, by the issuance of license number 146869, by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, a Psychiatrist, treated Patient A, d.o.b. 5/2/70, at his home/office, which is located at RFD #6 Old Road, Patterson, New York, from approximately 1993 to July 1995. (The identities of Patients A and the other patients are disclosed in the attached Appendix.)
1. In the course of ongoing psychotherapy, Respondent acted inappropriately toward Patient A as follows:
 - a. From approximately June 1994 through July 1995, while Patient A was Respondent's patient, Respondent engaged in sexual relations with Patient A.
 - i. The aforesaid sexual relations occurred during that part of the therapy session wherein Respondent hypnotized/deeply relaxed Patient A.
 - b. During the course of Respondent's engaging in sexual relations with Patient A, during therapy sessions, he informed her that this would make her

sex life better.

c. Respondent instructed Patient A that if she told anyone about the foregoing, she would be locked up and her son would be taken from her.

2. Despite Respondent's awareness that Patient A overdosed several times on her Ativan, Respondent failed to take appropriate action.

3. Respondent allowed Patient A to use his office when neither he nor anyone was present, even though other patients' records were accessible and other patients' telephone messages could be heard by Patient A.

4. Respondent failed to maintain a record for Patient A which accurately reflects the care and treatment rendered to Patient A.

B. Respondent, a Psychiatrist, treated Patient B, a 16 year old girl, at his home/office, which is located at RFD #6 Old Road, Patterson, New York, from approximately March to August 1994.

1. In the course of ongoing psychotherapy, Respondent acted inappropriately toward Patient B as follows:

a. On several occasions throughout the course of treatment, Respondent, in the course of a purported physical examination, but not for a proper medical purpose, when examining Patient B with a stethoscope, inappropriately touched Patient B's breast(s).

b. In approximately June 1994, during a psychotherapy session, Respondent attempted to hypnotize/deeply relax Patient B; while she was in this state,

Respondent instructed Patient B to visualize herself naked, and he also asked her questions about himself such as where he was in the picture; this transpired until Patient B refused to continue.

- c. Respondent offered to allow Patient B, a minor, to stay overnight at his home if she had problems at home.
2. Respondent prescribed various drugs, including but not limited to Restoril, to Patient B. On multiple occasions, when Patient B reported to Respondent that she had forgotten to take her medication, Respondent inappropriately instructed her to take the missed doses together with the doses she was prescribed for that day.
3. During the course of ongoing psychotherapy between Respondent and Patient B, when Patient B's mother stated to Respondent that Patient B was allegedly abusing drugs and alcohol and "stockpiling" her medication, Respondent failed to take appropriate action.
4. In approximately June 1994, when Patient B informed Respondent that she would be attending a wedding at which she would be drinking alcohol, Respondent failed to take appropriate action. When Patient B combined taking her medication and drinking alcohol, as aforesaid, she overdosed on same.
5. During the course of ongoing psychotherapy between Respondent and Patient B, Patient B informed Respondent that she smoked marijuana; during one of their sessions, Respondent

instructed Patient B to smoke marijuana prior to attending a future session. Patient B complied, and Respondent failed to take appropriate action.

C. Respondent, a Psychiatrist, treated Patient C, d.o.b. 12/26/58, at his home/office, which is located at RFD #6 Old Road, Patterson, New York, from approximately January 1991 to August 1994.

1. In the course of ongoing psychotherapy, Respondent acted inappropriately toward Patient C as follows:

a. On or about August 19, 1994, in the course of a purported physical examination, but not for a proper medical purpose, when examining Patient C with a stethoscope, Respondent inappropriately touched Patient C's breast.

b. A few days prior to August 19, 1994, when Patient C called Respondent and informed him that she was very upset and had taken several Ativans and had consumed alcohol, Respondent inappropriately advised Patient C to drive to his home/office to see him.

c. On various occasions during the course of treatment, Respondent offered to let Patient C stay at his home, and he invited her to visit him socially.

D. Respondent, a Psychiatrist, treated Patient D, d.o.b. 10/7/59, at his home/office, which is located at RFD #6 Old Road, Patterson, New York, from approximately August 1985 to October 1990.

1. In the course of ongoing psychotherapy, Respondent acted inappropriately toward Patient D as follows:

- a. In approximately December 1985, Respondent permitted Patient D's therapy sessions to last beyond the one-hour time period, wherein Respondent and Patient D discussed personal matters, and this continued in subsequent sessions.
- b. During a session in approximately early October 1986, when Patient D informed Respondent that she would be leaving her husband, Respondent offered to help Patient D find an apartment; he also hugged Patient D at the end of the session while she cried, and offered to have her stay overnight at his home. At the following session, when Patient D informed Respondent that she felt "cared for" when he hugged her, he asked her, in words to the effect of "what did you do with that thought", and he expressed anger when she responded, in words to the effect that she "had not done anything with it".
- c. In approximately April 1987, when Patient D called Respondent to inform him that she was uncomfortable with continuing therapy with him because of her feelings toward him, Respondent instructed her to meet him at his home, where they met from approximately 10:00 p.m. until after midnight. During this session, they had dinner, Respondent offered to have her stay overnight at his home, and he informed Patient D that he wanted to have sex with her but that he would not because they

still had issues to work out in therapy.

- d. In approximately the summer 1987, when Patient D was having back problems, Respondent massaged her back at the end of the session; subsequent "therapy" sessions lasted until approximately midnight or later, and included back massages and kissing. By approximately October 1987, Respondent and Patient D had become sexually involved with one another, and by approximately December 1987, Respondent and Patient D continued to meet for therapy sessions, but Patient D would then spend the night with Respondent.
- e. In July 1989, Respondent and Patient D got married, but Respondent did not refer Patient D to another psychiatrist, despite Patient D asking for same on many occasions throughout her treatment. In approximately March 1990, when Patient D began treatment with a psychologist, Respondent expressed anger toward her for so doing.

- 2. Respondent inappropriately prescribed medications, including but not limited to Xanax, to Patient D from approximately February 1990 to October 1990.

E. Respondent, a Psychiatrist, treated Patient E, d.o.b. 2/14/55, at his home/office, which is located at RFD #6 Old Road, Patterson, New York, in approximately late 1984 and from approximately July 1987 to January 1988.

- 1. In the course of ongoing psychotherapy, Respondent acted inappropriately toward Patient E as follows:

- a. On or about December 3, 1987, when Patient E called Respondent several times to inform him that she did not believe that she could make her appointment, he instructed her to take an extra Xanax and go to his home/office; when she met him at his home/office, Respondent handed Patient E samples of Pamelor, then he squatted or knelt in front of her and patted her thighs; when they stood up, he called her to him then hugged her for a period of time. He then walked her to her car with his arm around her, and he told her she could spend the night at his home if she could not drive.
 - b. In approximately September 1987, when Patient E discussed an incident involving her boyfriend, Respondent inappropriately stated or implied that she should have bitten off her boyfriend's penis.
 - c. Throughout the course of therapy, Respondent revealed personal information about himself during sessions, and he offered to be a job reference and to help her find an apartment and a car.
2. In approximately January 1988, when Patient E informed Respondent that she would no longer attend therapy sessions with him, he informed her that he would be her "doctor by phone" until she found another psychiatrist, but for a period of approximately 10 weeks in the Spring 1988, Respondent returned only one of Patient E's numerous phone calls to him.
 3. As a result of the facts alleged in Paragraph E1a, on July 10,

1989, pursuant to Public Health Law Section 230(10)(m)(ii) Respondent was issued an Administrative Warning, advising him that a third party should be present when he physically examines patients, but to this date, Respondent has failed to comply with same

F. Respondent, a Psychiatrist, treated Patient F, d.o.b. 12/23/59, at his home/office, which is located at RFD #6 Old Road, Patterson, New York, from approximately February 1984 to April 1995.

1. During the course of ongoing therapy, Respondent caused Patient F to socialize with Respondent and to work on Respondent's home and property.
2. On or about March 9, 1991, Respondent caused Patient F to go to Patient D's home to harass her while Patient D's and Respondent's separation/divorce was pending.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1996) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A and A1 and A1a, A1a(i) A1b-c and/or A2, 3, and/or 4, B and B1 and B1a-c, and/or B2, 3, 4, and/or 5, C and C1 and C1a-c, D and D1 and D1a-e and/or D2, E and E1 and E1a-c and/or E2, F and F1 and/or F2.

SECOND THROUGH SEVENTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1996) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

2. Paragraphs A and A1 and A1a, A1a(i) A1b-c and/or A2, 3, and/or 4.
3. Paragraphs B and B1 and B1a-c, and/or B2, 3, 4, and/or 5.
4. Paragraphs C and C1 and C1a-c.
5. Paragraphs D and D1 and D1a-e and/or D2.
6. Paragraphs E and E1 and E1a-c and/or E2.
7. Paragraphs F and F1 and/or F2.

EIGHTH THROUGH TENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1996) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

8. Paragraphs A and A1 and A1a and/or b.
9. Paragraphs B and B1 and B1a.
10. Paragraphs C and C1 and C1a.

ELEVENTH THROUGH FOURTEENTH SPECIFICATIONS

ENGAGING IN SEXUAL CONDUCT WITH A PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(44)(McKinney Supp. 1996) by engaging in physical contact c

a sexual nature with a patient, as alleged in the facts of:

11. Paragraphs A and A1 and A1a and/or b.
12. Paragraphs B and B1 and B1a.
13. Paragraphs C and C1 and C1a.
14. Paragraphs D and D1 and D1d.

FIFTEENTH THROUGH TWENTIETH SPECIFICATIONS
MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1996) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

15. Paragraphs A and A1 and A1a, A1a(i) A1b-c and/or A2, 3, and/or 4.
16. Paragraphs B and B1 and B1a-c, and/or B2, 3, 4, and/or 5.
17. Paragraphs C and C1 and C1a-c.
18. Paragraphs D and D1 and D1a-e and/or D2.
19. Paragraphs E and E1 and E1a-c and/or E2.
20. Paragraphs F and F1 and/or F2.

TWENTY-FIRST THROUGH TWENTY-SIXTH SPECIFICATIONS
WILLFULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 1996) by willfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in the facts of:

21. Paragraphs A and A1 and A1a, A1a(i), and/or A1b-c .
22. Paragraphs B and B1 and B1a-b, and/or B2, 3, 4, and/or 5.

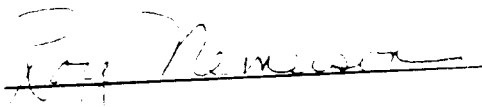
23. Paragraphs C and C1 and C1a.
24. Paragraphs F and F2.
25. Paragraphs D and D1 and D1b-e.
26. Paragraphs E and E1 and E1a-b.

TWENTY-SEVENTH SPECIFICATION
FAILING TO MAINTAIN ACCURATE RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1996) by failing to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient, as alleged in the facts of:

27. Paragraphs A and A4.

DATED: July 22, 1996
New York, New York


ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct