



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
Commissioner

*Public*

Dennis P. Whalen  
Executive Deputy Commissioner

November 28, 2006

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Carl J. Slavin, M.D.  
711 S. Cherry Grove Avenue  
Apartment 202  
Annapolis, Maryland 21401

Robert Bogan, Esq.  
NYS Department of Health  
Hedley Building - 4<sup>th</sup> Floor  
433 River Street  
Troy, New York 12180

**RE: In the Matter of Carl J. Slavin, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 06-267) 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 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.

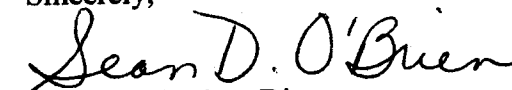
The notice of review served on the Administrative Review Board should be forwarded to:

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,

  
Sean D. O'Brien, Director  
Bureau of Adjudication

SDO:cah

Enclosure

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

COPY

IN THE MATTER  
OF  
CARL J. SLAVIN, M.D.

DETERMINATION

AND

ORDER

BPMC #06-267

A hearing was held on October 19, 2006, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated September 14, 2006, were served upon the Respondent, **Carl J. Slavin, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law. **James D. Hayes, II, M.D.**, Chairperson, **Arsenio G. Agopovich, M.D.**, and **Ms. Ann Ford Fricke**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter. **Jeffrey W. Kimmer, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent did not appear at the hearing, either in person or by counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Committee issues this Determination and Order.

**BACKGROUND**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when 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 State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that 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)(b) and (d). Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1 and made a part hereof.

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

**FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Findings of Fact and Determinations of the Committee were unanimous.

1. Carl J. Slavin, M.D., the Respondent, was authorized to practice medicine in New York State on March 18, 1985, by the issuance of license number 161673 by the New York State Education Department (Exs. 1 & 4).

2. On July 26, 2006, the Maryland State Board of Physicians ( "Board"), by a Consent Order ("Maryland Order"), revoked the Respondent's license for five (5) years after which the Respondent can petition the Board for licensure contingent upon a demonstration to the satisfaction of the Board that he is mentally and professionally competent to practice medicine. The Respondent admitted to the Findings of Facts of the Maryland Order. (Ex.5)

3. The disciplinary action taken by the Maryland Board was based on its findings that, in the case of a number of patients, the Respondent had inappropriately prescribed narcotic analgesics both in dosage and choice of medication; failed to decrease patients' concomitant use of short-acting opioids; failed to consider the patients' use of other central nervous system (CNS) depressants when prescribing narcotic analgesics; failed to develop a comprehensive pain management plan tailored to his patients; failed to appropriately assess and treat patients with chronic pain conditions when prescribing narcotic analgesics and benzodiazepines; failed to periodically assess his pain management efforts; failed to timely refer patients for a specialty consultation when indicated; failed to recognize or address possible medication abuse, habituation and co-morbid conditions when prescribing narcotic analgesics and failed to appropriately monitor his patients tolerance for habituation and addiction when prescribing medications. (Ex. 5)

### COMMITTEE CONCLUSIONS

The Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to New York Education Law Section 6530(2) - "Practicing the profession fraudulently;" New York Education Law Section 6530(3) - "Practicing the profession with negligence on more than one occasion;" New York Education Law Section 6530(4) - "Practicing the profession with gross negligence;" New York Education Law Section 6530(5) - "Practicing the profession with incompetence on more than one occasion;" New York Education Law Section 6530(6) - "Practicing the profession with gross incompetence" and New York Education Law Section 6530(32) - Failing to maintain a record for each patient which accurately reflects the treatment provided."

### VOTE OF THE COMMITTEE

#### FIRST SPECIFICATION

"Respondent violated New York Education Law Section 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;"

Sustained

#### SECOND SPECIFICATION

"Respondent violated New York Education Law Section 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 revocation, suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state;"

Sustained

### **COMMITTEE DETERMINATION**

The Respondent did not appear at the hearing, either in person or by counsel. A review of the evidence on service of the Notice of Referral Proceeding and the Statement of Charges indicates that the requirements of law have been met for the service on the Respondent of these documents and that jurisdiction had been obtained over the Respondent. (Exs. 1, 2 and 3).

The conduct that was the basis of the Maryland disciplinary proceeding involved ten patients and occurred during the years of 1996 – 2004. The conduct involved numerous incidents of prescribing the wrong narcotic analgesics; prescribing the wrong dosage of a narcotic analgesic; prescribing narcotic analgesics when the patient was known to use other CNS depressants; on multiple occasions prescribing both long-acting and short-acting narcotics or multiple short-acting narcotic analgesics simultaneously; prescribing narcotic analgesics via telephone without documenting any examination or office visit; failing to develop a pain management plan for his patients or referring them to a pain management specialist; failing to order timely consultation with appropriate specialists

and continuing to prescribe narcotic analgesics although a patient exhibits behavior suggesting narcotic abuse.

The Committee found the Respondent's actions constituted misconduct under New York State law as noted above in the "Committee Conclusions."

The Committee, therefore, has sustained the charges and the Specifications in the New York statement of charges that, had these acts occurred in New York State, they would have constituted misconduct under those sections of New York State Education Law as noted above in the "Committee Conclusions."

The Petitioner recommended that the Respondent's license to practice medicine be revoked. Since there is no evidence on behalf of the Respondent in mitigation and the Respondent admitted to the facts in the Maryland Order, the Committee concluded that its duty to protect the citizens of New York State when seeking medical care can only be met by adopting the Petitioner's recommendation.

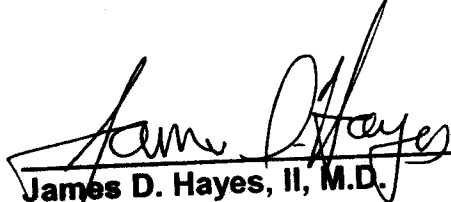


**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York State is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Endwell, New York**  
11/25, 2006

  
**James D. Hayes, II, M.D.**  
Chairperson

**Arsenio G. Agopovich, M.D.**  
**Ann Ford Fricke**

Robert Bogan, Esq.  
Associate Counsel  
Bureau of Professional Medical Conduct  
433 River St.  
Troy, New York 12180

Carl J. Slavin, M.D.  
711 S. Cherry Grove Ave.  
Apt. 202  
Annapolis, MD 21401

# **APPENDIX I**

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

EXHIBIT *ew*  
10-19-06

IN THE MATTER

OF

CARL J. SLAVIN, M.D.  
CO-06-08-4261-A

NOTICE OF  
REFERRAL  
PROCEEDING

TO: CARL J. SLAVIN, M.D.  
711 S. Cherry Grove Ave.  
Apt. 202  
Annapolis, MD 21401

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§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 19<sup>th</sup> day of October, 2006, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, NY 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, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.


Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of 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 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 written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. 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. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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  
*Sept. 14*, 2006

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

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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

IN THE MATTER  
  
OF  
  
CARL J. SLAVIN, M.D.  
CO-06-08-4261-A

STATEMENT  
  
OF  
  
CHARGES

CARL J. SLAVIN, M.D., Respondent, was authorized to practice medicine in New York State on March 18, 1985, by the issuance of license number 161673 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 26, 2006, the Maryland State Board of Physicians (hereinafter "Maryland Board"), by a Consent Order (hereinafter "Maryland Order"), REVOKED Respondent's license to practice medicine for five (5) years, based on failing to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care.

B. The conduct resulting in the Maryland 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 State Education Law §6530(2) (practicing the profession fraudulently);
2. New York State Education Law §6530(3) (negligence on more than one occasion);
3. New York State Education Law §6530(4) (gross negligence);
4. New York State Education Law §6530(5) (incompetence on more than one occasion);
5. New York State Education Law §6530(6) (gross incompetence); and/or
6. New York State Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law Section 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:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

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

2. The facts in Paragraphs A and/or B.

DATED: *Sept. 14*, 2006

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