



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

October 6, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Irene Koch, Esq.
Assistant Counsel
New York State Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Walter Marcus, Esq.
Kern, Augustine, Conroy & Schoppmann, P.C.
420 Lakeville Road
Lake Success, New York 11042

George E. St. Hill, M.D.
25 West 132nd Street - Apt. 5C
New York, New York 10037

RE: In the Matter of George E. St. Hill, M.D.

Dear Ms. Koch, Dr. Hill and Mr. Marcus :

Enclosed please find the Determination and Order (No. 94-210) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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), "(t)he

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 all action 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.

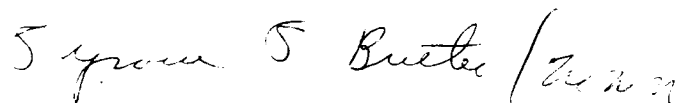
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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:mmn

Enclosure

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

-----X
IN THE MATTER : DETERMINATION
OF :
GEORGE E. ST.HILL, M.D. : ORDER
-----X

No. BPMC-94-210

A Notice of Hearing and Statement of Charges, both dated May 5, 1994, were served upon the Respondent, George E. St.Hill, M.D. **RICHARD D. MILONE, M.D. (Chair), ANTHONY SANTIAGO, 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. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Irene Koch, Esq., Assistant Counsel. The Respondent appeared by Kern, Augustine, Conroy & Schoppmann, P.C., Walter Marcus, Esq., of Counsel. A hearing was held on August 25, 1994. 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 §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 is charged with professional misconduct pursuant to Education Law §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 in 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. George E. St.Hill, M.D.(hereinafter, "Respondent"), was authorized to practice medicine in New York State on April 1,

1985 by the issuance of license number 161830 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994. (Pet. Ex. #2).

2. On or about December 28, 1993, the Medical Board of California (hereinafter "California Board") issued a Decision, effective February 25, 1994, revoking Respondent's license to practice medicine in California. The decision was based upon a finding, following an adjudicatory hearing, that Respondent was guilty of unprofessional conduct in connection with his submission of a fraudulent medical report form and a fraudulent itemized list, in order to receive insurance reimbursement for medical treatment he claimed to have received following an automobile accident. The California Board found Respondent guilty of unprofessional conduct under California law, as follows: having knowingly made or signed any certificate or document, directly or indirectly related to the practice of medicine, which falsely represents the existence or non-existence of a state of facts [Cal. Bus. & Prof. Code §2261]; having altered or modified the medical record of any person with fraudulent intent, or having created any false medical record with fraudulent intent [Cal. Bus. & Prof. Code §2262]; and having committed any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon [Cal. Bus. & Prof. Code §2234(e)]. (Pet. Ex. #4a-4c).

3. The California Board found that Respondent, following an automobile accident on December 9, 1990, submitted false medical reports and itemized bills to his insurance company. Based upon numerous false and misleading statements which are more fully detailed in the California Board's Proposed Decision, Respondent claimed thousands of dollars in reimbursement for medical and physical therapy services which were never received. (Pet. Ex. #4a).

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 concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent's California medical license was revoked by the California Board following an adjudicatory hearing. That hearing clearly established that Respondent attempted to defraud his insurance company by submitting false medical claims worth several thousand dollars.

The Hearing Committee further concluded that Respondent's conduct, if committed within New York State, would constitute professional misconduct within the meaning of New York Education Law §6530(2) [practicing the profession fraudulently], and §6530(21) [willfully making or filing a false report]. As a result, the Hearing Committee unanimously concluded that the First and Second Specifications of professional misconduct should

be sustained.

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 of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent claimed that he was remorseful about his misconduct in California and that he wanted a second chance to redeem himself. However, Respondent's actions demonstrate that he should not be given that chance.

The California Board heard Respondent's sworn testimony at a two-day hearing, held on August 23-24, 1993. The Board found Respondent's testimony to be "totally lacking in credibility. The itemized bill does not remotely correspond to physical therapy treatment actually received by respondent, and reflects costs which are seven times the value and three times the number of services actually performed." (Pet. Ex. #4a, p. 8).

Respondent's testimony at the instant hearing further demonstrates Respondent's lack of truthfulness. Upon cross-examination of Respondent, counsel for the Department established that Respondent lied under oath at the California disciplinary hearing. More specifically, Respondent lied when he testified

before the California Board that he had disclosed the existence of the California charges on an application for a Nebraska medical license. (See, Tr., pp.42-48). Moreover, the record established that Respondent made false and misleading statements concerning his disciplinary history and practice experience on his New York registration application (See, Tr., pp. 28-31), an application for privileges at Geneva General Hospital (See, Tr., pp. 31-37), and on an application submitted to the Segundo Ruiz Belbis Neighborhood Family Care Center(See, Tr., pp. 37-42).

Perhaps most telling was Respondent's testimony regarding his experience in California. When asked by his own attorney whether he recognized that he had submitted a fraudulent document, Respondent merely stated that "I submitted a bill based on my recollection of what happened...." (See, Tr. p. 24). It became apparent to the members of the Hearing Committee that Respondent is either unwilling or unable to be truthful in his professional practice. As a result, the Hearing Committee determined that a mere period of suspension or probation would do little to protect the public from potential harm. Under the totality of the circumstances, revocation is the only possible sanction.

ORDER

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

1. The First and Second Specifications of professional misconduct, as set forth in the Statement of Charges

(Petitioner's Exhibit # 1) are **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

DATED: Albany, New York

September 29, 1994

Richard D. Milone, M.D.

RICHARD D. MILONE, M.D. (CHAIR)

ANTHONY SANTIAGO
ZORAIDA NAVARRO, M.D.

TO: Irene Koch, Esq.
Assistant Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

George E. St.Hill, M.D.
25 West 132nd Street - apt. 5C
New York, New York 10037

Walter Marcus, Esq.
Kern, Augustine, Conroy & Schoppmann, P.C.
420 Lakeville Road
Lake Success, New York 11042

APPENDIX I

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: GEORGE E. ST.HILL, M.D. : PROCEEDING
: :
-----X

TO: GEORGE E. ST.HILL, M.D.
25 West 132nd Street - Apt. 5C
New York, New York 10037

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 22nd day of June, 1994 at 1 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

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.

PLAINTIFF'S
DEFENDANT'S
COMPANY'S
DEPARTMENT'S
PETITIONER'S
RESPONDENT'S
DATE

EXHIBIT 1

for identification
in evidence
REPORTER MC

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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, 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 12, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before June 12, 1994 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 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: New York, New York

May 5, 1994


CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Irene Koch
Assistant Counsel
Bureau of Professional
Medical Conduct
5 Penn Plaza, 6th Floor
New York, New York 10001
212-613-2617

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

-----X
IN THE MATTER : STATEMENT
OF : OF
GEORGE E. ST.HILL, M.D. : CHARGES
-----X

GEORGE E. ST.HILL, M.D., the Respondent, was authorized to practice medicine in New York State on April 1, 1985 by the issuance of license number 161830 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, 1993 through December 31, 1994.

FACTUAL ALLEGATIONS

- A. On or about December 28, 1993, the Medical Board of California (the California Board) issued a Decision, effective February 25, 1994, revoking Respondent's license to practice medicine in California, upon a finding that Respondent was guilty of unprofessional conduct in connection with his submission of a fraudulent medical report form and a fraudulent itemized list, to receive insurance reimbursement for medical treatment he claimed to have received following an automobile accident. The California Board found

Respondent guilty of unprofessional conduct under California law, as follows: having knowingly made or signed any certificate or document, directly or indirectly related to the practice of medicine, which falsely represents the existence or non-existence of a state of facts (Cal. Bus. Code Sec. 2261); having altered or modified the medical record of any person with fraudulent intent, or having created any false medical record with fraudulent intent (Cal. Bus. & Prof. Code Sec. 2262); having committed any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon (Cal. Bus. & Prof. Code Sec. 2234(e)). These acts, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law Sections 6530(2) (practicing the profession fraudulently), and/or 6530(21) (willfully making or filing a false report) (McKinney Supp. 1994).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HIS LICENSE TO PRACTICE
MEDICINE REVOKED IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(d)

(McKinney Supp. 1994), in that he had his license to practice medicine revoked after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State. Petitioner charges:

1. The facts in Paragraph A.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF
MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b) (McKinney Supp. 1994), in that he has been found guilty of 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. Petitioner charges:

2. The facts in Paragraph A.

DATED: New York, New York
May 5, 1994

A handwritten signature in black ink, appearing to read "Chris Stern Hyman", written over a horizontal line.

CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct