



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

September 2, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Terrance E. Smith, M.D.
R.R. #4, Box 2649
Belfast, Maine 04915

RE: License No. 166015

Dear Dr. Smith:

Enclosed please find Order #BPMC 98-200 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 9, 1998.**

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Valerie B. Donovan, Esq.

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

-----X

IN THE MATTER : SURRENDER
OF : ORDER
TERRANCE EUGENE SMITH, M.D. : BPMC # 98-200

:
-----X

TERRANCE EUGENE SMITH, M.D., says:

On or about April 23, 1986, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 166015 by the New York State Education Department.

My current address is RR 4, Box 2649, Belfast, Maine 04915 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and specifications set forth in the Statement of Charges (Exhibit A).


I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or


manner.

Date: 8/14, 1998



TERRANCE EUGENE SMITH, M.D.
Respondent

AGREED TO:

Date: 8/18, 1998


VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 8/24, 1998


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of TERRANCE EUGENE SMITH, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: 8/26/98

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
TERRANCE EUGENE SMITH, M.D. : CHARGES

-----X

Terrance Eugene Smith, M.D., the Respondent, was authorized to practice medicine in New York State on April 23, 1986, by the issuance of license number 166015 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. By Order of December 3, 1997, the State Medical Board of Ohio (Board) indefinitely suspended Respondent's certificate to practice medicine. The Order stated that Respondent's certificate could be reinstated when minimum requirements had been met, and that upon reinstatement, Respondent's certificate would be subject to probationary terms, conditions and limitations for three additional registration periods. The Board's Order confirmed the following findings of fact: (1) that Respondent intentionally misrepresented to the Board on his application for certificate renewal that he had completed the required CME; (2) that in failing to complete the required CME, Respondent had violated Ohio Revised Code §§ 4731.22(B)(20) and 4731.28; and (3) that Respondent's action

constituted fraud, misrepresentation, or deception in applying for or securing a certificate issued by the Board [violation of Ohio Revised Code § 4731.22(A)], and constituted the publishing of a false, fraudulent, deceptive or misleading statement [violation of Ohio Revised Code § 4731.22(B)(5)].

B. The conduct which Respondent was disciplined for in the state of Ohio would, if committed in New York State, constitute professional misconduct, namely, practicing the profession fraudulently, N.Y. Educ. Law. §6530(2).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) by reason of 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 B.

SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) in that he had

disciplinary action taken against him 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:

1. The facts of paragraphs A and B.

DATED: *July 2*, 1998
Albany, New York

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