



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*

August 17, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Otis Alexander Williams, Jr., M.D.  
293 Classon Avenue Apt. 2R  
Brooklyn, New York 11205-4348

Otis Alexander Williams, Jr., M.D.  
2266 Fifth Avenue Apt. 773  
New York, New York 10037

Terrence Sheehan, Esq.  
NYS Department of Health  
5 Penn Plaza - Sixth Floor  
New York, New York 10001

**RE: In the Matter of Otis Alexander Williams, Jr., M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 98-181) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

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,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

**COPY  
DETERMINATION**

**IN THE MATTER  
OF  
OTIS ALEXANDER WILLIAMS, M.D.**

**AND  
ORDER  
BPMC- 98-181**

**MICHAEL GONZALEZ, R.P.A., Chairperson, ALLAN GIBOFSKY, M.D., and FLORENCE KAVALER, M.D.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Sections 230(1)(e) and 230(12) of the Public Health Law. **MARILYN S. READER, ESQ.**, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this determination.

**STATEMENT OF CHARGES**

The Statement of Charges essentially charges the Respondent with professional misconduct by reason of having had disciplinary action taken in the State of New Jersey for conduct which, if committed in New York, constitutes misconduct in New York and by reason of having been found guilty of professional misconduct in the State of New Jersey for conduct which, if committed in New York, constitutes misconduct in New York.

The charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part of this Determination and Order.

**SUMMARY OF PROCEEDINGS**

Commissioner's Order of Summary Suspension and Notice of Hearing Date:	June 26, 1998
Pre-heating Conference:	July 7, 1998
Hearing Dates:	July 7, 1998
Deliberation Date:	July 7, 1998
Place of Hearing:	N.Y.S. Department of Health 5 Penn Plaza New York, New York
Petitioner Appeared By:	Henry M. Greenberg, Esq. General Counsel N.Y.S. Department of Health By: Terrence Sheehan, Esq. Associate Counsel
Respondent Appeared By:	No Appearance.

**WITNESSES**

For the Petitioner:

1. Theodore D. Herrington

For the Respondent:

None.

## **FINDINGS OF FACT**

Numbers in parenthesis refer to transcript pages or exhibits, and they denote evidence that the Hearing Committee found persuasive in determining a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

## **GENERAL FINDINGS**

1. OTIS ALEXANDER WILLIAMS, M.D., the Respondent, was duly licensed to practice medicine in the State of New York by issuance on February 26, 1998 of license number 181582 by the New York State Education Department (Ex. 5).
2. Respondent is currently registered with the New York State Education Department to practice medicine (Ex. 5).
3. Respondent was duly served with the Notice of Hearing and Statement of Charges (Exs. 2 and 6; and T. 24-27).
4. This proceeding was commenced by the filing of the Notice of Hearing and Statement of Charges dated June 26, 1998 (Ex. 1).
5. The New Jersey Board of Medical Examiners ("Board") conducted an investigation into Respondent's fitness to practice medicine in the State of New Jersey (Exs. 3 and 4).

6. As a result of the investigation, Respondent agreed to seek and continue treatment with health care practitioners who were to provide quarterly progress reports to the Board (Exs. 3 and 4).
7. On or about October 21, 1997, Respondent notified the Board that he would not be fulfilling the obligations under the agreement he reached with the Board (Exs. 3 and 4).
8. The progress reports due from Respondent's treating health care practitioners have not been received by the Board (Exs. 3 and 4).
9. Absent regular progress reports attesting to Respondent's fitness to practice medicine, the Board found Respondent's continuing practice represents a potential danger to his patients (Exs. 3 and 4).
10. On or about November 2, 1997, Respondent notified the Board in writing that he is no longer practicing medicine in the State of New Jersey and indicated he would surrender his license to the Board (Exs. 3 and 4).
11. Respondent failed to surrender his license, the current biennial and/or controlled dangerous substance ("CDS") registrations to the Board in New Jersey (Exs. 3 and 4).
12. After Respondent notified the Board that he was no longer practicing medicine in New Jersey, the Board received complaints from former patients claiming they had been unable to obtain their treatment records for their subsequent treating physician, and despite numerous attempts, have been unable to locate Respondent (Exs. 3 and 4).

13. By Provisional Order of Discipline dated March 4, 1998 issued by the New Jersey Board of Medical Examiners, Respondent's license to practice medicine and surgery in the State of New Jersey was suspended subject to finalization by the Board on the 30th business day following entry of the order unless Respondent requested a modification or dismissal of the Findings of Fact or Conclusions of Law supporting the suspension and Respondent was directed to return his original license, current biennial registration and CDS registration (Ex. 3).
14. Respondent failed to surrender his license, the current biennial and/or CDS registrations to the Board in New Jersey as directed in the provisional order (Ex. 4).
15. On June 1, 1998, by Final Order issued by the New Jersey Board of Medical Examiners, Respondent's license to practice medicine and surgery in the State of New Jersey was suspended (Ex. 4).
16. The New Jersey order of suspension further provides that Respondent shall fully comply with the "Directives Applicable to any Medical Board Licensee Who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted" and in the event Respondent shall seek to reinstate his license to practice medicine and surgery in New Jersey, Respondent shall appear before a committee of the Board to demonstrate his fitness and competency. At that time, respondent shall present proof of his current fitness to practice medicine and surgery including, but not limited to, proof of continuing treatment by licensed health care practitioners. The New Jersey Board of Medical Examiners reserves the right to place limitations and conditions on Respondent's practice in the event the Board reinstates Respondent's license to practice medicine and surgery in New Jersey (Ex. 4).



## CONCLUSIONS

In reaching its findings, the Hearing Committee reasoned as follows:

In Allegation A.1-3, Respondent is charged with having had disciplinary action taken in New Jersey and failing to comply with his agreement with the New Jersey Board of Medical Examiners to obtain continuing treatment by health care practitioners who were required to provide quarterly progress reports to the Board of Respondent's fitness to practice medicine. The Committee finds the New Jersey Board of Medical Examiners investigated Respondent's fitness to practice medicine in its state. During the proceedings, Respondent agreed to comply with limitations and conditions of his practice that require he obtain continuing treatment with health care practitioners who must provide quarterly reports to the Board as to Respondent's fitness to practice medicine. Respondent's written notice to the Board that he would not fulfil his obligations under the agreement with the Board coupled with his subsequent failure to provide quarterly reports to the Board evidences Respondent's failure to comply with the conditions and limitations of his medical practice imposed by the Board.

**Therefore, Allegations A.1-3 are sustained.**

In Allegations B.1(a)-(c) and B.2(a)-(b), the Respondent is charged with having had his license to practice medicine suspended by a final order of the N.J. Board of Medical Examiners upon findings of fact B.1(a) that Respondent was investigated as unfit to practice medicine, B.1(b) that Respondent entered into and subsequently violated an agreement to comply with continuing treatment and to provide progress reports to the New Jersey Board, and B.1(c) due to the absence of reports attesting to Respondent's fitness to practice medicine, his continued practice of medicine represents a potential danger to his patients: In issuing its final order of suspension, the Board concluded that Respondent was subject to discipline as a licensee incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's

health, safety or welfare and that Respondent failed, as required by law, to properly provide his patients access to their medical records. The Committee finds Respondent was duly investigated by the New Jersey Board and he voluntarily entered into an agreement to obtain health care treatment and to provide quarterly reports as to his fitness to practice. Subsequently, Respondent notified the Board he would not comply and, in fact, failed to comply with the terms of his agreement with the Board. Respondent also notified the Board he was terminating his practice of medicine in New Jersey, but failed to surrender his license, his biennial registration and his CDS registration. After receiving the provisional order of suspension and the direction to surrender his license, his biennial registration and his CDS registration, Respondent still did not surrender his license and registrations. Furthermore, after ceasing to practice medicine, Respondent failed to provide his patients with access to their medical records within 30 days of receipt of such a request as required by N.J.A.C. 13:35-6.5. Due to Respondent's failure to comply with his agreement to continue treatment with health care practitioners who were to provide quarterly reports as to his fitness to practice medicine to the Board and his failure to provide his patients with their medical records when requested, the Board duly suspended Respondent's license to practice medicine in New Jersey.

**Therefore, Allegations B.1(a)-(c) and B.2(a)-(b) are sustained.**

### **VOTE OF THE HEARING COMMITTEE**

The Hearing Committee votes unanimously as follows:

#### **FIRST SPECIFICATION:** **(Having Had Disciplinary Action Taken)**

The Committee hereby determines that the First Specification is sustained. The New Jersey Board of Medical Examiners duly investigated Respondent. During the proceedings, Respondent agreed to condition his license to practice on his seeking and continuing treatment with health care

practitioners who were to provide quarterly progress reports. Respondent failed to comply with the terms of his agreement with the Board as to continuing with treatment and providing it with quarterly reports as to his fitness to practice medicine. In addition, after Respondent notified the Board he was terminating his practice, Respondent failed to provide his patients with access to their medical records for their new physicians. The conduct on which the New Jersey Board of Medical Examiners based its determination to suspend Respondent's license, if committed in New York, would constitute professional misconduct in New York. If committed in New York, Respondent would have committed the professional misconduct of violating a limitation duly imposed on the licensee pursuant to Public Health Law §230 pursuant to Education Law §6530(29). Respondent's conduct, if committed in New York, also would constitute misconduct in New York pursuant to Education Law §6530(8) "as a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice, or having a psychiatric condition which impairs his ability to practice."

**SUSTAINED**

**SECOND SPECIFICATION:**  
**(Having Been Found Guilty of Professional Misconduct)**

The Committee hereby determines that the Second Specification is sustained. Respondent's license to practice medicine in New Jersey was suspended first by provisional order and then by a final order of the New Jersey Board of Medical Examiners. Respondent was found guilty by the Board of failing to comply with his agreement with the Board to seek and continue treatment with health care practitioners who would provide quarterly reports to the Board as to his fitness to practice medicine and also of failing to provide his patients with their medical records after he discontinued his practice of medicine. The record establishes by a preponderance of the evidence that the conduct for which Respondent was found guilty of professional misconduct in New Jersey,

if committed in New York, would constitute professional misconduct in New York as stated *supra*, as well as deviating from acceptable medical standards for providing access by qualified persons to patient information pursuant to Education Law §6530(40).

**SUSTAINED**

**DETERMINATION OF THE HEARING COMMITTEE AS TO PENALTY**

The Hearing Committee unanimously determines that the summary suspension of Respondent's license is upheld and the suspension is continued until such time as Respondent has shown he has appeared before the New Jersey Board of Medical Examiners and that his license to practice medicine and surgery in the State of New Jersey has been unconditionally restored.

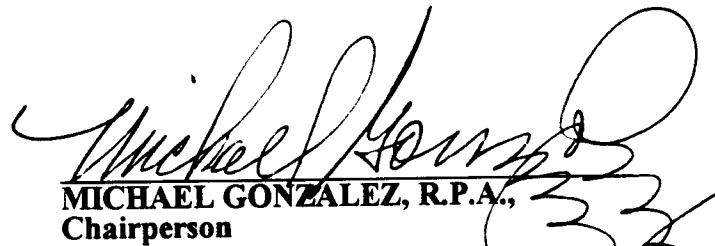
**ORDER**

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

**RESPONDENT'S LICENSE TO PRACTICE MEDICINE IS SUSPENDED WHOLLY UNTIL SUCH TIME AS RESPONDENT HAS SHOWN HE HAS APPEARED BEFORE THE NEW JERSEY BOARD OF MEDICAL EXAMINERS AND HIS LICENSE TO PRACTICE MEDICINE IN THAT STATE HAS BEEN UNCONDITIONALLY RESTORED.**

**The Committee directs that notice of this order be served on respondent at the last known address for respondent in New York State and also at 106 W. Palisade Avenue, Suite 201, Englewood, New Jersey 07631.**

**Dated: New York, New York  
August 10, 1998**

  
**MICHAEL GONZALEZ, R.P.A.,  
Chairperson**

**ALLAN GIBOFSKY, M.D.  
FLORENCE KAVALER, M.D.**

Q

IN THE MATTER  
OF  
OTIS ALEXANDER WILLIAMS, JR., M.D.

STATEMENT  
OF  
CHARGES

OTIS ALEXANDER WILLIAMS, JR., M.D., the Respondent, was authorized to practice medicine in New York State on or about February 26, 1990 by the issuance of license number 181582 by the New York State Education Department.

### FACTUAL ALLEGATIONS

- A. By a Provisional Order of Discipline filed on or about March 4, 1998, the New Jersey State Board of Medical Examiners Ordered Respondent's License to Practice Medicine in the State of New Jersey suspended, on the cited authority of N.J.S.A. 45:1-21(i) which permits such action by the New Jersey Board when a licensee is "incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety or welfare." Findings of Fact underlying such action described, *inter alia*:
1. That the Board had pursued an investigation into Respondent's fitness to practice medicine; and
  2. That Respondent had entered into and subsequently violated an agreement to comply with continuing treatment with progress reports to the New Jersey Board; and
  3. That in the absence of regular progress reports attesting to Respondent's fitness to practice medicine, his continued practice of medicine represents a potential danger to his patients.

B. By a Final Order filed on or about June 1, 1998, the New Jersey State Board of Medical Examiners Ordered Respondent's License to Practice Medicine in the State of New Jersey suspended, on the cited authority of N.J.S.A. 45:1-21(i) which permits such action by the New Jersey Board when a licensee is "incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety or welfare."

1. Findings of Fact underlying such action described, *inter alia*:

- a. That the Board had pursued an investigation into Respondent's fitness to practice medicine; and
- b. That Respondent had entered into and subsequently violated an agreement to comply with continuing treatment with progress reports to the New Jersey Board; and
- c. That in the absence of regular progress reports attesting to Respondent's fitness to practice medicine, his continued practice of medicine represents a potential danger to his patients.

2. Conclusions of law supporting such action included, *inter alia*,

- a. That Respondent was subject to discipline as a licensee incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety or welfare; and
- b. That Respondent was subject to discipline for failure to comply with a statutory requirement [N.J.S.A. 45:1-21(h)] that patients and authorized representatives of patients be provided access to professional treatment records.

**SPECIFICATION OF CHARGES**  
**SPECIFICATION**  
**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1998) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(8) and (29)) as alleged in the facts of the following:

1. Paragraphs A and B and each subparagraph thereunder.

**SECOND SPECIFICATION**  
**HAVING BEEN FOUND GUILTY OF**  
**PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1998) 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 (namely N.Y. Educ. Law §§6530(8),(29), and (40)) as alleged in the facts of the following:

2. Paragraph B and each subparagraph thereunder.



DATED: June 26, 1998  
New York, New York

A handwritten signature in black ink, appearing to read "Roy Nemerson", is written over a horizontal line.

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct