



# 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*

Dennis P. Whalen  
*Executive Deputy Commissioner*

February 28, 2001

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

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

Larry D. Dillon, M.D.  
2916 Old Broadmoor Road  
Colorado Springs, Colorado 80906

Patrick O'Rourke, Esq.  
5445 DTC Parkway  
Denver, Colorado 80111

**RE: In the Matter of Larry D. Dillon, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-53) 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.

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.

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.

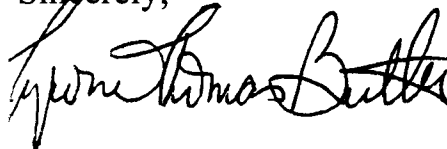
The notice of review served on the Administrative Review Board should be forwarded to:

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, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

DETERMINATION

AND

ORDER

BPMC #01-53

IN THE MATTER  
OF  
LARRY D. DILLON, M.D.

A Notice of Referral Proceeding and Statement of Charges, both dated, November 6, 2000, were served upon the Respondent, **LARRY D. DILLON, M.D.**

**MICHAEL R. GOLDING, M.D.**, Chairperson, **MOHAMMAD GHAZI-MOGHADAM, M.D.** and **STEPHEN E. WEAR, Ph.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. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on February 15, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **PATRICK O'ROURKE, ESQ.**, 5445 DTC Parkway, Denver, Colorado 80111.

Evidence was received and transcripts of these proceeding 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 Section 6530(9). In such case, 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, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:

None

For the Respondent:

Larry D. Dillon, M.D., the Respondent

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis 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. All Hearing Committee findings were unanimous unless otherwise stated.

1. **LARRY D. DILLON, M.D.**, the Respondent, was authorized to practice medicine in New York State on March 13, 1978, by the issuance of license number 133736 by the New York State Education Department.

2. On July 24, 2000, the State of Colorado, Board of Medical Examiners, (hereinafter "Colorado Board"), by an Addendum to Stipulation and Final Agency Order (hereinafter "Colorado Order"), required Respondent to complete a ten (10) week training program, to take and pass the American College of Surgery Trauma Committee's Advanced Trauma and Life Support re-certification examination, placed him on probation for five (5) years, during which time he shall be monitored by a "practice monitor," and placed permanent limitations on his practice of medicine, based on charges of negligence on more than one occasion.

## HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the Colorado Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(3) (negligence on more than one occasion);
- New York Education Law §6530(5) (incompetence on more than one occasion).

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York State Education 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.

**VOTE: SUSTAINED (3-0)**

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by reason of having had disciplinary action taken after a disciplinary action was instituted 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.

**VOTE: SUSTAINED (3-0)**

**HEARING COMMITTEE DETERMINATION**

The record in this case indicates that on July 24, 2000, the Colorado Board of Medical Examiners, by an Addendum to Stipulation and Final Agency Order, required the Respondent to complete a ten (10) week training program, to take and pass the American College of Surgery Trauma Committee's Advanced Trauma and Life Support re-certification examination, placed him on probation for five (5) years, during which time he shall be

monitored by a "practice monitor," and placed permanent limitations on his practice of medicine, based on negligence on more than one occasion.

The Hearing Committee has reviewed the "Colorado Board's" July 24, 2000 ORDER and finds that the terms and conditions of probation imposed by the ORDER are appropriate, given the circumstances of this case. (See Pet's Ex. 5)

Based on the foregoing, the Hearing Committee determines that the interests of justice in this case can best be served by placing the Respondent on probation for a period of five (5) years under terms and conditions hereinafter set forth in the ORDER.

### ORDER

#### **IT IS HEREBY ORDERED THAT:**

1. The Respondent is placed on PROBATION for a period of five (5) years under the following terms and conditions.

2. The Respondent shall comply fully with the July 24, 2000, Colorado State Board of Medical Examiners' "Addendum to Stipulation and Final Agency Order".

3. The Respondent shall provide a written authorization for the Colorado State Board of Medical Examiners to provide the Director of the New York State Office of Professional Conduct, (OPMC), with any/all information or documentation as requested by OPMC to enable OPMC to determine whether the Respondent is in compliance with the Colorado Board's ORDER.

4. The Respondent shall submit, quarterly, a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Respondent has been in compliance with the Colorado ORDER during the declaration period specified.

5. Should the "Colorado Board's " terms of probation terminate for any reason prior to the five (5) year term of this ORDER, the Respondent must continue under its terms and conditions and submit reports as requested by OPMC for the remainder of the New York probation period.

6. The Respondent shall be solely responsible for all expenses incurred under this ORDER.

7. If, at some future date, the Respondent chooses to return to practice in New York he must:

- ◆ Provide ninety days prior notice concerning his return to the Office of Professional Medical Conduct,
- ◆ Include with the notice proof that his license remains in good standing in all states where he maintains a license; and
- ◆ Provide information concerning this disciplinary action to any New York hospital at which he applies for privileges and/or employment.

8. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against the Respondent as may be authorized pursuant to the law.



9. This Order shall be effective upon service on the Respondent or Respondent's Attorney by personal service or by certified or registered mail.

DATED: 23 Feb, 2001

, New York

  
MICHAEL R. GOLDING, M.D., Chairperson

MOHAMMAD GHAZI-MOGHADAM, M.D.  
STEPHEN E. WEAR, M.D.

**APPENDIX I**

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

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**IN THE MATTER**  
**OF**  
**LARRY D. DILLON, M.D.**

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**NOTICE OF**  
**REFERRAL**  
**PROCEEDING**

**TO:** LARRY D. DILLON, M.D.  
2916 Old Broadmoor Road  
Colorado Springs, CO 80906

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 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 13<sup>th</sup> day of December, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 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 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, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE

**EXHIBIT**

EV 2/15/01

BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before December 4, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to 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 an 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 brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before December 4, 2000, 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 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

*November 6*, 2000



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0820

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

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IN THE MATTER  
OF  
LARRY D. DILLON, M.D.

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STATEMENT  
OF  
CHARGES

LARRY D. DILLON, M.D., the Respondent, was authorized to practice medicine in New York state on March 13, 1978, by the issuance of license number 133736 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 24, 2000, the State of Colorado, Board of Medical Examiners, (hereinafter "Colorado Board"), by an Addendum to Stipulation and Final Agency Order (hereinafter "Colorado Order"), required Respondent to complete a ten (10) week training program, to take and pass the American College of Surgery Trauma Committee's Advanced Trauma and Life Support re-certification examination, placed him on probation for five (5) years, during which time he shall be monitored by a "practice monitor," and placed permanent limitations on his practice of medicine, based on gross negligence and negligence on more than one occasion.

C. The conduct resulting in the Colorado Board's disciplinary actions 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 Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);

3. New York Education Law §6530(5) (incompetence on more than one occasion);  
and/or
4. New York Education Law §6530(6) (gross incompetence).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education 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 paragraph A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530 (9)(d) by reason of having had disciplinary action taken after a disciplinary action was instituted 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:

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

DATED: *November 6*, 2000  
Albany, New York

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