



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

December 5, 2017

Gerard A. Cabrera
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New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

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315 West 106th Street, Suite 1A
New York, New York 10025

Jamie Baux- Johnson, M.D.
c/o Paul E. Walker, PLLC
315 West 106th Street
New York, New York 10025

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RE: In the Matter of Jamie Baux- Johnson

Dear Parties:

Enclosed please find the Determination and Order (No.17-339) 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), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent 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., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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 black rectangular redaction box covering the handwritten signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: ISM

Enclosure

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

**IN THE MATTER
OF
JAMIE BAUX-JOHNSON, M.D.**

**DETERMINATION
AND
ORDER**

17-339

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct (“the Department”). A September 15, 2017 Notice of Referral Proceeding with Statement of Charges was served upon Jamie Baux-Johnson, M.D. (“Respondent”) and is attached to this Determination and Order as Appendix 1. A hearing, pursuant to N.Y. Public Health Law (“PHL”) §230 and New York State Admin. Proc. Act §§301-307 and 401, was held on October 18, 2017, at the Department’s offices at 90 Church Street, New York, New York.

David A. Sherris, M.D., Theodore J. Strange, M.D., FACP, and Elena M. Cottone, P.A.-C, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (“Committee”) in this matter. Ann H. Gayle, Administrative Law Judge, served as the administrative officer. The Department appeared by Gerard A. Cabrera, Associate Counsel. Respondent appeared by Paul E. Walker, Esq. Evidence was received and a transcript (pages 1-53) of this hearing was made.

After consideration of the entire record, the Committee issues this Determination and Order; all findings, conclusions, determinations and orders are unanimous.

STATEMENT OF CASE

This case was brought pursuant to PHL §230(10)(p) which provides for a hearing with circumscribed issues when a licensee is charged with misconduct based upon a criminal conviction under federal or state law and/or upon an administrative adjudication in another state regarding conduct that would amount to a crime and/or professional misconduct if committed in New York. N.Y. Education Law ("Educ. Law") §6530(9). The scope of the hearing is limited to a determination of the penalty, if any, to be imposed upon the licensee. In the instant case, Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(a)(iii) for having been convicted of an act constituting a crime under New Jersey law.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Citations in brackets, which refer to transcript page numbers ["T"] and exhibits ["Ex"] that were accepted into evidence, represent evidence found persuasive by the Committee in arriving at a particular finding. All Committee findings were unanimous.

1. On September 15, 2017, Respondent was personally served with a Notice of Referral Proceeding and Statement of Charges. [Ex 1]
2. Respondent was authorized by the New York State Education Department to practice medicine in New York State on February 10, 2010, by the issuance of license number 256157. [Ex 2]
3. On September 19, 2016, Respondent was found guilty, after trial, of the crime of contempt of a domestic violence restraining order, under the New Jersey Code of Criminal Justice, Prevention of Domestic Violence Act, New Jersey Statute 2C:29-9(b), and sentenced to one-year probation, a domestic violence program, community service, and a monetary

fine. [Ex 3]

CONCLUSIONS OF LAW and DETERMINATION AS TO PENALTY

The Department charged Respondent with one Specification of professional misconduct pursuant to Educ. Law §6530(9)(a)(iii) for having been convicted of an act constituting a crime under the law of another jurisdiction and which, if committed in this state would have constituted a crime under New York state law, namely, New York Penal Law §215.50(3).

Pursuant to Educ. Law §6530,

Each of the following is professional misconduct, and any licensee found guilty of such misconduct under the procedures prescribed in section two hundred thirty of the public health law shall be subject to penalties as prescribed in section two hundred thirty-a of the public health law except that the charges may be dismissed in the interest of justice.

The Committee unanimously concludes that the charges against Respondent should be dismissed in the interest of justice.

The Committee takes Respondent's conviction seriously and is in no way condoning criminal behavior. The Committee believes the crime for which Respondent was convicted and the circumstances surrounding it constituted an unfortunate situation.

While the Committee can sustain the charge and impose a penalty such as the penalty proposed by the Department, censure and reprimand, the Committee believes that disciplining Respondent would serve no purpose other than to potentially limit her availability to serve her patients, a result that would benefit no one and could hinder both Respondent's ability to practice medicine to her fullest potential and the public's unencumbered access to her care. Respondent has shown that she is a gifted, caring, and dedicated physician; her skill and selfless approach to patient care are exemplary.

The charges against Respondent are dismissed in the interest of justice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The charge of misconduct under Educ. Law §6530(9)(a)(iii) for having been convicted of an act constituting a crime under New York law is dismissed in the interest of justice.
2. There shall be no disciplinary action taken against Respondent and no penalty shall be imposed.
3. This order shall be effective upon service on the Respondent as required under PHL §230(10)(h)

DATED: Buffalo
12/19/17, New York
December 4, 2017



DAVID A. SHERRIS, M.D., Chair
THEODORE J. STRANGE, M.D., FACP
ELENA M. COTTONE, P.A.-C

APPENDIX 1

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

**IN THE MATTER
OF
JAMIE BAUX-JOHNSON, M.D.**

**NOTICE OF
REFERRAL
PROCEEDING**

**TO: Jamie Baux-Johnson, M.D.
c/o Paul E. Walker, P.L.L.C.
315 West 106th Street – Suite 1A
New York, NY 10025**

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 §§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 October 18, 2017 at 10:30 a.m., at the offices of the New York State Department of Health, 90 Church Street, 4th Floor, New York, New York 10007.

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 who shall be an attorney admitted to practice in New York state. 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, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau

EXHIBIT
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of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least 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. You may also file a written brief and affidavits with the Committee. All such documents 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, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

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 N.Y. State Admin. Proc. 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.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

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.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
September 15, 2017


ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

GERARD A. CABRERA
Associate Counsel
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, N.Y. 10007

IN THE MATTER
OF
JAMIE BAUX-JOHNSON, M.D.

STATEMENT
OF
CHARGES

Jamie Baux-Johnson, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 10, 2010, by the issuance of license number 256157 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 2, 2006, Respondent sent an email to her ex-husband's brother-in-law, and asked him to communicate with her ex-husband in order that he drop a restraining order against Respondent.

1. On or about September 19, 2016, Respondent was found guilty, after trial, of the crime of contempt of a domestic violence restraining order, under the New Jersey Code of Criminal Justice Prevention of Domestic Violence Act, (New Jersey Statutes Section 2C:29-9B). Respondent was sentenced to one year probation, a domestic violence program, community service, and a monetary fine.

SPECIFICATION OF CHARGES

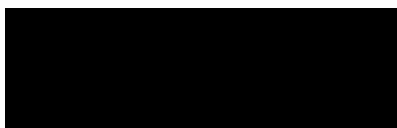
CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would

have constituted a crime under New York state law (namely N.Y. Penal Law § 215.50(3))
as alleged in the facts of the following:

1. Paragraph A and its subparagraph.

DATE: September 5, 2017
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

To: Gerard A. Cabrera
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
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