



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

October 25, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Walter E. Eells, M.D.
35 Townsend Street
Walton, New York 13856

RE: License No. 023722
Effective Date: 11/1/93

Dear Dr. Eells:

Enclosed please find Order #BPMC 93-169 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
WALTER E. EELLS, M.D. : BPMC #93-169

-----X

Upon the Application of Walter E. Eells, M.D.
(Respondent) to Surrender his license as a physician in the State
of New York, which application is made a part hereof, it is

ORDERED, that the application 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 Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; and 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.

SO ORDERED,

DATED: 20 October 1993



CHARLES J. VACANTI, M.D.

Chairperson
State Board for Professional
Medical Conduct

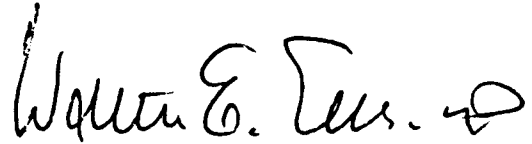
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the Fourth and Sixth Specifications of professional misconduct set forth in the Statement of Charges, to the extent the Specifications relate to factual allegations B.1, B.2, B.3, and B.4.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application 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 application 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 grants my application, an 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 Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



WALTER E. EELLS, M.D.
Respondent

Sworn to before me this
5th day of October, 1993



NOTARY PUBLIC

ROBT J. McKEEGAN
Notary Public, State of New York
Delaware County #137948400
Term Expires 11/30/94

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

IN THE MATTER

OF

WALTER E. EELLS, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the
Respondent to surrender his license.

Date: Oct. 5, 1993



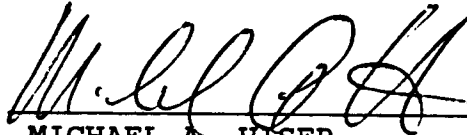
WALTER E. EELLS, M.D.
Respondent

Date: Oct 5, 1993



ROBERT J. McKEEGAN
Attorney for Respondent

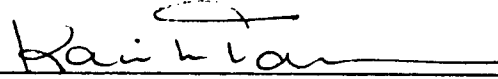
Date: October 13, 1993



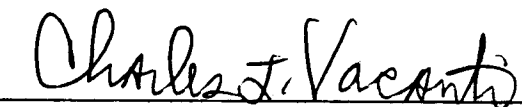
MICHAEL A. HISER
Assistant Counsel
Bureau of Professional
Medical Conduct

WALTER E. EELLS, M.D.

Date: Oct. 20, 1993


KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 20 October 1993


CHARLES J. VACANTI, M.D.
Chairperson, 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
WALTER E. EELLS, M.D. : CHARGES

-----X

WALTER E. EELLS, M.D., the Respondent, was authorized to practice medicine in New York State on June 27, 1929, by the issuance of license number 023722 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 from 35 Townsend Street, Walton, New York 13856.

FACTUAL ALLEGATIONS

A. Patient A (patients are identified in the Appendix), a 39 year old female, received medical care from Respondent in the form of prescriptions for Vicodin between on or about January 13, 1993, and June 8, 1993.

1. Respondent, between approximately January 1993 and June 1993, prescribed Vicodin to Patient A, a known drug abuser, in excessive amounts, and without adequate medical indication.

2. Respondent, between approximately January 1993 and June 1993, failed to maintain an adequate record of the evaluation and treatment of Patient A, in that Respondent failed to record that he was prescribing Vicodin to Patient A.

B. Patient B, an approximately 35 year old male, received medical care from Respondent in the form of prescriptions for Plegine between October, 1992 and March, 1993. Patient B was in fact an undercover representative of the New York State Department of Health's Bureau of Controlled Substances.

1. Respondent, between approximately October 1992 and March 1993, provided Patient B with prescriptions for Plegine without adequate medical indication.
2. Respondent, between approximately October 1992 and March 1993, provided Patient B with prescriptions for Plegine for an excessively extended period of time, contrary to accepted standards of practice.
3. Respondent, on or about March 23, 1993, provided Patient B with a prescription for Tylenol with Codeine #3, 30mg. intended to be used by a person Patient B described as Patient B's girlfriend, which prescription was done without medical indication. Patient B had no girlfriend.
4. Respondent failed to record in his notes for Patient B any reference to the medication prescribed by Respondent for Patient B between October 1992 and March 1993.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with professional misconduct by reason of practicing the profession of medicine fraudulently, within the meaning of N.Y. Educ. Law §6530(2) (McKinney Supp. 1993), in that Petitioner charges:

1. The facts in Paragraphs B and B.1 and/or B and B.3.

SECOND SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with practicing the profession of medicine with gross negligence on a particular occasion within the meaning of N.Y. Educ. Law §6530(4) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed one of the following:

2. The facts in Paragraphs A and A.1, B and B.1, B and B.2, and/or B and B.3.

THIRD SPECIFICATION

GROSS INCOMPETENCE

Respondent is charged with practicing the profession of medicine with gross incompetence within the meaning of N.Y.

Educ. Law §6530(6) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed one of the following:

3. The facts in Paragraphs A and A.1, B and B.1, B and B.2, and/or B and B.3.

FOURTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(3) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed two or more of the following:

4. The facts in Paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, and/or B and B.4.

FIFTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession of medicine with incompetence on more than one occasion within the meaning of N.Y. Educ. Law §6530(5) (McKinney Supp. 1993) in that Petitioner charges that Respondent committed two or more of the following:

5. The facts in Paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, and/or B and B.4.


SIXTH SPECIFICATION

FAILING TO MAINTAIN AN ACCURATE RECORD

Respondent is charged with professional misconduct by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, within the meaning of N.Y. Educ. Law §6530(32) (McKinney Supp. 1993) in that Petitioner charges:

6. The facts in Paragraphs A and A.2 and/or B and B.4.

DATED: Albany, New York
October 13, 1993



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