



Department of Health

ANDREW M. CUOMO
Governor

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

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

December 2, 2020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Meadows, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Carl Anderson, [REDACTED]
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, New Jersey 08640

RE: In the Matter of Carl Anderson, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 20-297) 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 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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), (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 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.

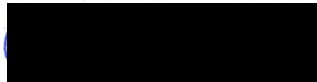
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., 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,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cmg
Enclosure

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

COPY

IN THE MATTER
OF
CARL ANDERSON, M.D.

DETERMINATION

AND

ORDER

BPMC-20-297

This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct ("the Department"). A Notice of Referral Proceeding ("NORP") and Statement of Charges ("SOC"), dated August 28, 2020 and August 31, 2020, were served upon Carl Anderson, M.D. ("Respondent"). The NORP and SOC are 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 via Cisco Webex on October 22, 2020.

Frank E. Iaquinta, M.D., Chair, Jerry R. Balentine, D.O., 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 Gayle, Administrative Law Judge, served as the administrative officer. The Department appeared by Deborah Beth Medows, Senior Attorney. Respondent, having been duly served with the NORP and SOC in conformity with the requirements of PHL §230.10(d), did not appear¹ (Exhibit 2). Evidence was received and a transcript of this hearing was made and is part of the record.

¹ The NORP stated the hearing would be held at 90 Church Street, New York, New York ("Department's offices") or by videoconference. The ALJ sent Respondent a letter dated September 30, 2020. The letter informed him that the hearing would be held remotely via Webex and directed him to provide the Bureau of Adjudication ("Adjudication") with an email address to receive an invitation to join the remote hearing if he wished to participate (ALJ Exhibit I). Respondent did not contact Adjudication nor did he or anyone on his behalf appear at the Department's offices on the day of the hearing.

After consideration of the entire record, the Committee issues this Determination and Order. All findings, conclusions, determinations and orders herein 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)(ii) for having been convicted of a crime under federal law.

FINDINGS OF FACT

Citations in parentheses refer to transcript page numbers ("T") and exhibits ("Ex") that were accepted into evidence.

1. On August 31, 2020, Respondent was personally served with a NORP and SOC; neither he nor a representative appeared for the hearing. (Ex 2; T 6-9, 11-12, 18)
2. Respondent was authorized by the New York State Education Department to practice medicine in New York State on June 27, 1991, by the issuance of license number 185799. (Ex 3)
3. On October 4, 2019, Respondent's guilty plea allocution was taken before Magistrate Kevin N. Fox, and on March 2, 2020, in the United States District Court for the Southern

District of New York, Judge Lorna G. Shofield accepted Respondent's guilty plea. On March 12, 2020, Respondent was convicted of one felony count of conspiracy to distribute and possess with intent to distribute narcotics under 21 U.S.C. §846, and he was sentenced to eighty-four months incarceration and three years' supervised release upon his release from imprisonment. On March 17, 2020, Respondent was ordered to forfeit \$264,164 pursuant to an Order of Forfeiture. (Ex 4; Ex 5; Ex 6; Ex 7)

CONCLUSIONS OF LAW

The Department charged Respondent with one Specification of professional misconduct pursuant to Educ. Law §§6530(9)(a)(ii) for having been convicted of a crime under federal law. The Specification is sustained.

DETERMINATION AS TO PENALTY

The Department is seeking a revocation of Respondent's license. The Department maintained that physicians must prescribe carefully and responsibly to adhere to the tenet that "practicing medicine is do no harm," and that Respondent did harm by conspiring to distribute narcotics instead of caring for patients in a safe, responsible and professional manner. (T 21-22)

The Committee considered the full range of penalties available pursuant to PHL Law §230-a, including: (1) censure and reprimand; (2) suspension of the license, wholly or partially; (3) limitation on practice; (4) revocation of the license; (5) annulment of the license or registration; (6) limitation on registration or further licensure; (7) monetary penalties; (8) a course of education or training; (9) performance of public service; and, (10) probation. The Committee concludes that based on the severity of Respondent's crime, the only appropriate

penalty to address Respondent's very serious misconduct and to protect the public is a revocation of Respondent's license to practice medicine in New York state.

ORDER

IT IS HEREBY ORDERED THAT:

1. The charge of misconduct under Educ. Law §6530(9)(a)(ii) for having been convicted of a crime under federal law is SUSTAINED.
2. Pursuant to PHL §230-a(4) Respondent's license to practice medicine shall be REVOKED.
3. This order shall be effective upon service on the Respondent by personal service or by certified mail as required under PHL §230(10)(h).

DATED: New York, New York
December 2, 2020


FRANK E. IAQUINTA, M.D., Chair
JERRY R. BALENTINE, D.O.
ELENA M. COTTONE, P.A.-C

To: Deborah Beth Medows, Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

Carl Anderson, [REDACTED]
FCI FORT DIX
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 2000
JOINT BASE MDL, NEW JERSEY 08640

APPENDIX 1

EXHIBIT

DEPT'S 1 - 10/22/2020 - A.C.

exhibitster.com

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

**IN THE MATTER
OF
CARL WILLIAM ANDERSON, M.D.**

NOTICE OF
REFERRAL
PROCEEDING

TO:

Carl William Anderson, M.D.
[REDACTED]

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 22, 2020, at 10:30 a.m., at the offices of the New York State Department of Health, 90 Church Street, 4th Floor, New York, NY 10007, or by video conference as directed by the Administrative Law Judge, and at such other adjourned dates, times and places as the committee may direct.

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, or by video conference if directed by the Administrative Law Judge, 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.

EXHIBIT

1


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 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
August 28, 2020


Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Deborah Beth Meadows
Senior Attorney

Bureau of Professional Medical Conduct
90 Church Street
New York, NY 10007
(212) 417-4389

EXHIBIT "A"

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

IN THE MATTER

OF

CARL WILLIAM ANDERSON, M.D.

STATEMENT

OF

CHARGES

CARL WILLIAM ANDERSON, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 27, 1991, by the issuance of license number 185799 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On March 2, 2020, in the United States District Court for the Southern District of New York, Judge Lorna Schofield accepted Respondent's guilty plea. On March 12, 2020, Respondent was convicted and sentenced to one felony count of conspiracy to distribute and possession with intent to distribute narcotics. On that date, Respondent was convicted, and sentenced to, incarceration for eighty-four months and a term of three years of supervised release. On or about March 17, 2020, pursuant to an Order of Forfeiture as to Specific Property/Money Judgment, Respondent was ordered to forfeit \$264,164.00.

SPECIFICATION OF CHARGE

BEING CONVICTED OF AN ACT CONSTITUTING A CRIME

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530 (9) (a) (ii) being convicted of an act constituting a crime under federal law, specifically 21 U.S.C. § 846 (Conspiracy to Distribute and Possess with Intent to Distribute Narcotics), as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: August 31, 2020
New York, New York



Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct