



Department of Health

ANDREW M. CUOMO
Governor

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

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

March 25, 2020

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Candace Cooley, M.D.

Re: License No. 210004

Dear Dr. Cooley:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 20-077. This order and any penalty provided therein goes into effect April 1, 2020.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

Michael S. Jakubowski, M.D.
Interim Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Amy Kulb, Esq.
Jacobson, Goldberg & Kulb, LLP.
585 Stewart Avenue, Suite 720
Garden City, New York 11530

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

BPMC No. 20-077

IN THE MATTER
OF
Candace Cooley, M.D.

MODIFICATION
ORDER

Upon the proposed Application for a Modification Order Pursuant to N.Y. Pub. Health Law § 230(10)(q) of Candace Cooley, M.D. (LICENSEE), which is made a part of this Modification Order, it is agreed to and


ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 03/24/2020


THOMAS T. LEE, M.D.
Interim Chair
State Board for Professional Medical Conduct

1

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

IN THE MATTER
OF
Candace Cooley, M.D.

APPLICATION
FOR
MODIFICATION
ORDER

Candace Cooley, M.D., represents that all of the following statements are true:

That on or about April 7, 1998, I was licensed to practice as a physician in the State of New York and issued License No. 210004 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to a Determination and Order (BPMC Order # 19-144) of the State Board for Professional Medical Conduct (Attachment I) (henceforth "Original Order"), which went into effect on June 18, 2019, and which was issued following a hearing before a Committee of the Board for Professional Medical Conduct, pursuant to N.Y. Pub. Health Law § 230(10). Pursuant to N.Y. Pub. Health Law § 230(10)(q), I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

The sanction imposed in the Original Order was an actual suspension until Respondent complies with the following conditions:

- Respondent shall, at the time she seeks to practice medicine in New York, provide the Director of OPMC documentation of her sobriety status and of her satisfactory compliance with and/or successful completion of her Florida Professionals Resource Network ("PRN") contract;
- Respondent shall, at the time she wishes to practice medicine in New York, contact the Committee for Physicians Health ("CPH") and comply with CPH's requirements for seeking entry into its program;
- at the completion of the actual suspension, pursuant to PHL §230-a(9), Respondent's license shall be placed on probation for two years, with sobriety terms.

The sanction imposed shall be modified to read as follows:

The previously imposed suspension on my medical license in New York, set forth in the Original Order, shall terminate upon the effective date of this Modification Order and

All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct and the Chair of the

State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 3/13/20


Candace Cooley, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Application for Modification Order and to its proposed penalty, terms and conditions.

DATE: 3/13/20


AMY KULB, ESQ.
Attorney for Respondent

DATE: 3/18/2020


PAULA M. BREEN
Director
Office of Professional Medical Conduct

ATTACHMENT "I"



Department of Health

ANDREW M. CUOMO
Governor

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

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

June 11, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Amy T. Kulb, Esq.
Jacobson Goldberg & Kulb, LLP
585 Stewart Avenue – Suite 720
Garden City, New York 11530

Candace Cooley, M.D.
[REDACTED]

RE: In the Matter of Candace Cooley, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.19-144) 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

IN THE MATTER

OF

CANDACE COOLEY, M.D.

DETERMINATION

AND

ORDER

19-144

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"), both dated March 8, 2019, were served upon Candace Cooley, M.D. ("Respondent"), and Respondent filed an Answer to the SOC on April 1, 2019. The Department then served Respondent with an Amended SOC, dated April 10, 2019, and Respondent filed an Amended Answer to the Amended SOC on April 10, 2019. The NORP and Amended SOC are attached to this Determination and Order as Appendix 1, and the Amended Answer as Appendix 2. 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 April 15, 2019, at the Department's offices at 90 Church Street, New York, New York.

Airlie A.C. Cameron, M.D., Chair, Linda A. Brady, M.D., and Richard S. Goldberg, Esq., 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 Deborah Beth Meadows, Senior Attorney; Respondent appeared by Amy T. Kulb, Esq., Jacobson Goldberg & Kulb, LLP. Evidence was received and a transcript (pages 1-71) of this hearing was made.

After consideration of the entire record, the Committee issues this Determination and Order; all findings, conclusions, and determinations 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 Florida law and §6530(9)(d) for having disciplinary action taken by another state.

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.

1. On April 7, 1998, Respondent, Candace Cooley, M.D., was authorized by the issuance of license number 210004 by the New York State Education Department ("NYSED") to practice medicine in New York State. Respondent's license is not currently registered with NYSED. [Ex 3]
2. On September 20, 2017, Respondent was convicted of reckless driving under Florida Uniform Traffic Control §316.192. Respondent was sentenced to fines and probation. [Ex 4; Ex 5]
3. On May 24, 2018, Respondent was convicted of reckless driving under Florida Uniform

Traffic Control §316.192. Respondent was sentenced to fines, 11 months and 29 days of probation, a 12-month suspension of her driver license, 50 hours of community service (for which she had –and exercised– a buy-out option), multi-level DUI school, two AA meetings per week, and attendance at a Physician Resource Network program ("PRN")¹.

[Ex 4; Ex 6]

4. In a Settlement Agreement between Respondent and the Florida Department of Health ("Settlement Agreement"), Respondent stipulated that she was charged with an Administrative Complaint that stated that Dr. [REDACTED] a physician specializing in addiction medicine, evaluated and diagnosed her with alcohol use disorder severe and/or alcohol induced depressive disorder, and opined that she was not able to practice medicine with reasonable skill and safety to patients. Pursuant to that Settlement Agreement, the Florida State Board of Medicine ("Florida Board") issued a final order on February 22, 2019, restricting Respondent's practice of medicine so that she could practice medicine in that state only if she was in compliance with the PRN contract. [Ex 7]

CONCLUSIONS OF LAW

The Department charged Respondent with two Specifications 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 Vehicle and Traffic Law §1212 (reckless driving), and §6530(9)(d) for having disciplinary action taken by another state where the conduct, if committed in New York state, would have constituted professional misconduct under

¹ Respondent was given credit for ten weeks of residential treatment at the [REDACTED] and four weeks of out-patient treatment.

the laws of New York state, namely N.Y. Educ. Law §6530(8) (being a habitual abuser of alcohol).

Respondent denied both Specifications and claimed as an affirmative defense that the Florida Board action establishes that "Respondent is currently not a habitual user of alcohol and is fit to practice" and that the "requirement that Respondent maintain compliance with PRN, which she has, would not be disciplinary action in New York State and therefore is not a basis for a Specification of Misconduct. Rather, it's equivalent to a physician entering into a contract with the Committee for Physicians Health and OPMC then additionally requiring that there be a Non-Disciplinary Order of Conditions requiring the physician to maintain compliance with DOH." (Exhibit A-1)

The Committee finds Respondent's affirmative defense to be unpersuasive. While Respondent neither admitted nor denied the allegations of fact against her in the Florida Board's Administrative Complaint, she did admit that the facts alleged in that Administrative Complaint, if proven, would constitute violations of Florida's statutes (Exhibit 7, page 5). Allegation #5 in the Administrative Complaint was that Respondent was diagnosed with Alcohol Use Disorder, severe and/or Alcohol Induced Depressive Disorder. The Administrative Complaint was resolved in the settlement agreement which was incorporated into the Florida Board's Final Order. The Committee finds this to be disciplinary action equivalent to N.Y. Educ. Law §6530(8) (being a habitual abuser of alcohol).

The Committee further finds that Respondent's convictions for reckless driving in Florida, would have constituted a crime under New York state law, namely, New York Vehicle and Traffic Law §1212 (reckless driving).

Both Specifications are sustained.

DISCUSSION AND DETERMINATION AS TO PENALTY

The Department is seeking a revocation of Respondent's license or an indefinite suspension of her license until she has proven her fitness to practice medicine safely. Respondent is seeking a penalty that would include conditions in New York that are similar to the conditions imposed by the Florida Board. The Florida Board restricted Respondent's practice of medicine so that she could practice medicine in that state only if she was in compliance with the PRN contract. Respondent testified about the PRN's toxicology monitoring as follows: "I have to check in every day, and they can do blood, breath, hair, toenails ...randomized twice a week. I go to weekly ...meetings with the other physicians in the area that are in the program. And of course I go to the regular AA in my community" (T 26-27).

Respondent represented that she would remain in and follow the requirements of "mutual aid or self-help type of programs" such as AA for the rest of her life. She also represented that she would be happy to voluntarily remain in PRN at the end of the five-year contract and that she would seek to enter into a similar program with CPH (Committee for Physician Health of the Medical Society of the State of New York) if/when she returns to New York (T 56-57). Upon questioning from a Committee Member, Respondent testified as follows:

Q: I just wanted to ask you about something that I understood perhaps your attorney to say ...that a possible condition of your license continuation or lack of revocation in New York would be for you to be in a program in New York similar to the one in Florida. So I would like to ask you whether you might be willing to volunteer to enter into the [CPH] in New York?

A: Absolutely. (T 55-56)

The Committee takes Respondent's convictions very seriously and, in reaching a determination, weighed this against its findings that Respondent took responsibility for her wrongdoing and that she has been in compliance with the terms of the PRN contract during these

first eighteen months of her five-year contract with PRN and with the recently entered into stipulation with the Florida Board. The Committee believes that Respondent recognizes that alcoholism is a lifelong disease and that she must work diligently and within programs such as AA and PRN/CPH to maintain sobriety.

The Committee believes the five-year monitoring that is in place in Florida addresses both the crimes for which Respondent was convicted and the protection of the public. The Committee believes that a revocation is not warranted at this time as the significant penalty of suspending Respondent's license wholly until she demonstrates fitness to practice medicine safely in New York State at the time she seeks to practice medicine in this state, and then placing her on probation for two years commencing at the time she resumes practice in this state (after the suspension has been lifted) is ample protection of for the public.

Respondent has thus far demonstrated her sobriety and compliance with PRN's conditions and requirements. Respondent would need to provide to the Director of OPMC (Office of Professional Medical Conduct) documentation of her satisfactorily complying with and/or successfully completing her PRN contract and of her sobriety status at the time she seeks to resume practice in New York. Upon Respondent's testimony that she would absolutely (T 56) be willing to voluntarily enter into the CPH program in New York, Respondent is directed to reach out to CPH at the time she seeks to practice medicine in New York and to comply with all of CPH's requirements for entry into and remaining in its program.


ORDER

IT IS HEREBY ORDERED THAT:

1. The charge of misconduct under Educ. Law §6530(9)(a)(iii) (conviction in another jurisdiction) is sustained.

2. The charge of misconduct under Educ. Law §6530(9)(d) (having disciplinary action taken by another state) is sustained.
3. Pursuant to PHL §230-a(2)(e), Respondent's license to practice medicine shall be suspended wholly, until Respondent complies with the terms or conditions of a board order. The terms and conditions of this board order are:
 - a. Respondent shall, at the time she seeks to practice medicine in New York, provide to the Director of OPMC documentation of her sobriety status and of her satisfactorily complying with and/or having successfully completed her Florida PRN contract.
 - b. Respondent shall, at the time she wishes to practice medicine in New York, reach out to CPH and comply with CPH's requirements for seeking entry into its program.
4. At the completion of the whole suspension, pursuant to PHL §230-a(9), Respondent's license shall be placed on probation for a period of two (2) years during which she shall comply with the Terms of Probation annexed as Appendix 3.
5. This order shall be effective upon service on the Respondent as required under PHL §230(10)(h).

DATED: New York, New York
June 8, 2019


AIRLIE A.C. CAMERON, M.D., Chair
LINDA A. BRADY, M.D.
RICHARD S. GOLDBERG, ESQ.

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

Amy T. Kulb, Esq.
Jacobson Goldberg & Kulb, LLP
585 Stewart Avenue - Suite 720
Garden City, New York 11530

Candace Cooley, M.D.


Matter of Candace Cooley, M.D.

APPENDIX 1

Matter of Candace Cooley, M.D.



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

IN THE MATTER
OF
CANDACE COOLEY, M.D.

NOTICE OF
REFERRAL
PROCEEDING

Candace Cooley, M.D.
[REDACTED]

Allen Grossman, Esq.
Grossman, Furlow & Bayo'
2022-2 Raymond Diehl Rd.
Tallahassee, FL 32308

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 April 15, 2018, at 10:30 a.m., at 80 Church Street, 4th Floor, New York, NY 10007, in Hearing Room 1, 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 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

Dept. ex. 1
D

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 610, 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
March 8, 2019


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, 4th Floor
New York, NY 10007


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

IN THE MATTER
OF
CANDACE COOLEY, M.D.

AMENDED
STATEMENT
OF
CHARGES

CANDACE COOLEY, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 7, 1998, by the issuance of license number 210004 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. 1. On or about September 20, 2017, the Respondent was convicted of reckless driving, a second-degree misdemeanor, in the First Judicial Circuit Court of Florida in Okaloosa County, Florida. She was sentenced to fines and probation.
2. On or about May 24, 2018, the Respondent was convicted of a second-degree misdemeanor for reckless driving at that same court. She was sentenced to: various fines; eleven months and twenty-nine days of probation; a driving license suspension for twelve months; multilevel DUI school; 50 hours of community service (for which she had a buyout option); and attendance at a Physician Resource Network Program and 2 AA meetings per week. The Respondent was given credit for ten weeks of residential treatment at the [REDACTED] and four weeks of out-patient treatment.

- B. On or about February 22, 2019, a Final Order was issued by the Florida State Board of Medicine regarding a Settlement Agreement between the Respondent and the Florida Department of Health, which restricted her license. The underlying Settlement Agreement stipulated that the Respondent was charged with an Administrative Complaint. The Complaint stated that [REDACTED] a physician specializing in addiction medicine, evaluated the Respondent and diagnosed her with Alcohol Use Disorder severe, and/or Alcohol Induced Depressive Disorder. The expert opined that the Respondent was not able to practice medicine with reasonable skill and safety to patients.

Consequently, the Settlement Agreement restricted the Respondent's practice of medicine so that she would only be permitted to practice medicine while in compliance with the terms of the contract with the Professionals Resource Network, and additionally fined her for departmental costs.

- C. The conduct resulting from both convictions and the Settlement would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:
- a. New York Vehicle and Traffic Law §1212 (Reckless driving.)
 - b. New York Education Law § 6530 (8) (Habitual abuser of alcohol.)

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION

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 New York Vehicle and Traffic Law §1212 and New York State Education Law § 6530) as alleged in the facts of the following:

1. The facts in Paragraph A, Paragraph C, and their subparagraphs.

SECOND SPECIFICATION

HAVING A DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) 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), as alleged in the facts of the following:

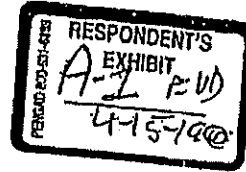
1. The facts in Paragraph B, Paragraph C, and their subparagraphs.

DATE: April 10, 2019
New York, New York


Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct

APPENDIX 2

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



-----X
IN THE MATTER

OF

AMENDED
ANSWER

CANDACE COOLEY, M.D.
-----X

Respondent, CANDACE COOLEY, M.D., by her attorneys, Jacobson Goldberg & Kulb, LLP, answers the Amended Statement of Charges dated April 10, 2019 upon information and belief, as follows:

FACTUAL ALLEGATIONS

1. Respondent refers the Court to the official court records for a description of the offense upon which Respondent was convicted; admits being convicted of reckless driving in the second degree and denies the remaining allegations of the paragraph that are not consistent with the official record.
2. Respondent refers the Court to the official court records for a description of the offense upon which Respondent was convicted; admits being convicted of reckless driving in the second degree and denies the remaining allegations of the paragraph that are not consistent with the official record.
- 2B. Respondent refers the Court to the February 22, 2019 Final Order issued by the Florida State Board of Medicine for its terms and conditions and denies the remaining allegations of the paragraph that are not contained in the Final Order.

- 2C. Respondent denies each and every allegation set forth in paragraph 2C.

FIRST SPECIFICATION OF CHARGE

3. Denies each and every allegation set forth in the First Specification of Charge.

SECOND SPECIFICATION OF CHARGE

4. Denies each and every allegation set forth in the Second Specification of Charge.

AFFIRMATIVE DEFENSE

The Final Order issued by the Florida Board of Medicine permits Respondent to practice medicine while in compliance with the terms of her contract with the Professionals Resource Network (PRN). It establishes that Respondent is currently not a habitual user of alcohol and is fit to practice. Respondent follows the therapy and monitoring requirements of PRN which determined as did the Florida Board, that she is not currently impaired and is fit to practice. She is currently in compliance with PRN as documented in PRN's letter dated March 13, 2019. The requirement that Respondent maintain compliance with PRN, which she has, would not be a disciplinary action in New York State and therefore is not a basis for a Specification of Misconduct. Rather, it's equivalent to a physician entering into a contract with the Committee for Physicians Health and OPMC than additionally requiring that there be a Non-Disciplinary Order of Conditions requiring the physician to maintain compliance with DOH.

WHEREFORE, the Respondent demands judgment dismissing Petitioner's Statement of Charges together with the costs and disbursements of this action.

Dated: Garden City, New York
April 10, 2019

Yours, etc.

[REDACTED]
AMY T. KULB, ESQ.
JACOBSON GOLDBERG & KULB, LLP
Attorneys for Respondent
585 Stewart Avenue - Suite 500
Garden City, New York 11530
(516) 222-2330

To: [REDACTED]
Ann H. Gayle
Administrative Law Judge
NYS Department of Health

[REDACTED]
Deborah Beth Medows
Senior Attorney
NYS Department of Health
Bureau of Professional Medical Conduct
90 Church Street - 4th Floor
New York, New York 10007

APPENDIX 3

Matter of Candace Cooley, M.D.

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of her license with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204 with the following information, in writing, and ensure that this information is kept current: a full description of her employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with and respond in a timely manner to OPMC requests to provide written periodic verification of her compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent shall abstain from the use of alcohol during the probationary period and shall be monitored by a qualified health care professional proposed by Respondent and approved in writing by the Director of OPMC (sobriety monitor).
6. The sobriety monitor shall oversee Respondent's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, supervised, unannounced blood, breathalyzer and/or urine tests for the presence of alcohol. The sobriety monitor shall notify the Director of OPMC immediately if Respondent refuses such a test or if a test reveals Respondent is not alcohol free.
7. Every three months, the sobriety monitor shall submit a report to OPMC certifying compliance with these terms or describing any failure to comply.
8. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if she is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30-day period. Respondent shall then

notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in the Determination and Order or as are necessary to protect the public health.

9. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
10. Respondent shall comply with these probationary terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.