



**Department
of Health**

ANDREW M. CUOMO
Governor

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

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

April 2, 2020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David W. Quist, Esq.
NYS Department of Health
Corning Tower Room 2512
Empire State Plaza
Albany, New York 12237

Judy Faith Blodgett, P.A.


RE: In the Matter of Judy Faith Blodgett, P.A.

Dear Parties:

Enclosed please find the Determination and Order (No. 20-074) 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: nm
Enclosure

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

COPY

-----X
IN THE MATTER
OF
JUDY FAITH BLODGETT, P.A.
-----X

DETERMINATION
AND
ORDER

BPMC-20-074

A hearing was held on February 19, 2020, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to Public Health Law (PHL) § 230(10)(e), James M. Leonardo, M.D., Ph.D., Chairperson, Gregory Allen Threatte, M.D., and David F. Irvine, DHSc, P.A., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by David W. Quist, Associate Attorney. A Notice of Referral Proceeding and Statement of Charges, both dated December 18, 2019, were duly served upon Judy Faith Blodgett, P.A., (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department (Exhibits 1-4). A stenographic reporter prepared a transcript of the proceeding.

After consideration of the entire record, the Hearing Committee sustains the charges that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) § 6530(9) and votes that the penalty of revocation of her physician assistant license is appropriate.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving 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." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Judy Faith Blodgett, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on June 19, 1981 by the issuance of license number 001618 by the New York State Education Department. (Ex. 3.)
2. On March 27, 2019, the Physician Assistant Board of the Medical Board of California issued a Decision adopting a Stipulated Settlement and Disciplinary Order signed by the Respondent on February 14, 2019. The Decision became effective on April 26, 2019 and subjected the

Respondent to a stayed revocation, probation for a period of five years with various conditions including supervision and medical education. (Ex. 4.)

3. In signing the Stipulated Settlement and Disciplinary Order, the Respondent stated that she did not contest that at an administrative hearing a prima facie case could be established with respect to the charges and allegations contained in an Accusation (Case No. 9502015000531) filed on April 4, 2018 and agreed that her physician assistant license was subject to discipline. (Ex. 4.)

4. The charges in the Accusation involve allegations of repeated acts of negligence in the care and treatment of three patients and can be summarized as inappropriately prescribing, failing to maintain adequate and accurate medical records, failing to seek appropriate consultations, and/or failing to seek adequate physician supervision. (Ex. 4.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee decides, by a vote of 3-0, that the evidence supports sustaining the charges of the Respondent having committed professional misconduct as defined in Educ. Law § 6530(9)(d).

HEARING COMMITTEE DETERMINATIONS

The Department charged the Respondent with professional misconduct pursuant to Educ. Law § 6530(9)(d). The charge contains one specification pertaining to the Respondent's having had disciplinary action taken by a duly authorized professional disciplinary agency of another state. The Department alleges, and the Hearing Committee concludes, that the conduct resulting in the disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in Educ. Law §§ 6530(3) – negligence on more than one occasion, 6530(24) – performing professional services without adequate supervision, and/or 6530(32) – failure to maintain an accurate record. The Department has recommended that the Respondent's license to practice as a physician assistant in New York State be revoked. Given the

seriousness of the allegations upon which the Decision is based coupled with the Respondent's failure to appear at the hearing or have someone appear on her behalf to express remorse for her actions or evidence of compliance with the terms of her probation, particularly the terms of supervision and continued medical education, the Hearing Committee unanimously agrees with the Department's recommendation.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent's license to practice as a physician assistant in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

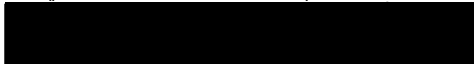
Dated: March 19, 2020
Cooperstown, New York



James M. Leonardo, M.D., Ph.D., Chairperson
Gregory Allen Threatte, M.D.
David F. Irvine, DHSc, P.A.

David W. Quist
Associate Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Room 2512, Corning Tower, ESP
Albany, New York 12237

Judy Faith Blodgett, P.A.



APPENDIX I

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

IN THE MATTER
OF
JUDY FAITH BLODGETT, P.A.

STATEMENT
OF
CHARGES

JUDY FAITH BLODGETT, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on or about June 19, 1981 by the issuance of license number 001618 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 27, 2019, the Physician Assistant Board of the Medical Board of California ("Board") issued a Decision, effective April 26, 2019, based on a Stipulated Settlement and Disciplinary Order signed by Respondent on or about February 14, 2019 and dated on or about February 18, 2019. The case was initiated by an Accusation (case no. 9502015000531), filed on or about April 14, 2018.

B. Pursuant to the terms of the Stipulated Settlement and Disciplinary Order, which the Decision incorporated, Respondent did not contest charges that she had committed professional misconduct by inappropriately prescribing, failing to maintain adequate and accurate medical records, failing to seek appropriate consultations, and/or in failing to seek adequate physician supervision, in various combinations, in her care and treatment of three patients. Pursuant to the settlement and the Decision, Respondent was made subject to a stayed revocation, and placed on supervised probation for a period of five years on terms including continuing medical education as well as a medical record keeping course and a prescribing practices course. The Decision also imposed other standard conditions.

C. The conduct resulting in the Board's Decision and Order against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law Section 6530(3) (negligence), (24) (performing services without adequate supervision) and/or (32) (failure to maintain an accurate record).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD 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(3), (24), and (32) as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and C.

DATE: December 17, 2019
Albany, New York


TIMOTHY S. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct