



## 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

February 24, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Hannah E.C. Moore, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Thomas Knutson, M.D.  


**RE: In the Matter of Thomas Knutson, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 21-038) 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 Judge 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

**ORIGINAL**

-----X  
: IN THE MATTER :  
: OF :  
: THOMAS KNUTSON, M.D. :  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-21-038

A hearing was held on February 17, 2021, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **Airlie A.C. Cameron, M.D., M.P.H., Chairperson, Mehdi A. Khan, D.O., and Myra M. Nathan, Ph.D.**, 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 Hannah E.C. Moore, Assistant Counsel. A Notice of Referral Proceeding and Statement of Charges, both dated December 22, 2020, were duly served upon Thomas Knutson, M.D., (Respondent), who did not appear at the hearing. An Amended Statement of Charges, dated January 21, 2021, was subsequently duly served upon the Respondent.

The Hearing Committee received and examined documents from the Department (Exhibits 1-8). A stenographic reporter prepared a transcript of the hearing.

**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. Thomas Knutson, M.D., the Respondent, was licensed to practice medicine in New York on January 10, 2018 by issuance of license number 292173. (Dept. Ex. 8.)
2. On or about November 8, 2019, the Respondent entered into an Order for Letter of Reprimand and Probation; and Consent to the Same (“Order”) with the Arizona Medical Board. Pursuant to the Order, the Respondent was issued a letter of reprimand and placed on probation for a period of six months. The Respondent was also ordered to complete a professional/problem-based ethics program. (Dept. Ex. 7.)
3. The Arizona Medical Board Order was based on a complaint that the Respondent falsely documented and submitted a detailed note including history and mental status examination of a patient who had presented at a hospital emergency room with complaints of suicidality when the Respondent did not actually see that patient. (Dept. Ex. 7.)



**VOTE OF THE HEARING COMMITTEE**

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

**HEARING COMMITTEE DETERMINATIONS**

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(2) – practicing the profession fraudulently or beyond its authorized scope;

Educ. Law § 6530(21) – willfully making or filing a false report; and

Educ. Law § 6530(32) – failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

The Department has recommended that the Respondent be given a censure and reprimand; be fined; be placed on probation for three years; be required to have a practice monitor; and take a continuing medical education course in ethics.

In considering the full spectrum of penalties available under PHL § 230-a, the Hearing Committee concludes that censure and reprimand is appropriate in this matter. The Hearing Committee also concludes that, if the Respondent commences practicing medicine in the State of New York<sup>1</sup>, he shall successfully complete continuing medical education courses in ethics and recordkeeping, and shall be subject to a three-year term of probation. The continuing medical education courses shall be at the Respondent's expense, in addition to any existing licensing requirements, and are subject to approval by the Office of Professional Medical Conduct. The terms of probation are annexed hereto.

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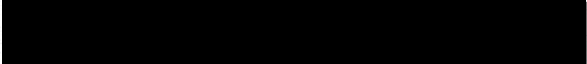
<sup>1</sup> The Respondent's current status in New York is "Not Registered." (Dept. Ex. 8.)

**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 is subject to censure and reprimand pursuant to PHL § 230-a(1);
3. The Respondent is subject to probation pursuant to PHL § 230-a(9) for a period of three years in accordance with the Terms of Probation annexed hereto, commencing if and when the Respondent begins practicing in New York, which includes requirements pertaining to providing notice to the Director of the Office of Professional Medical Conduct of practice locations;
4. The Respondent is required to complete a continuing medical education course on the topic of ethics and a course on the topic of recordkeeping prior to commencing practice in the State of New York pursuant to PHL§ 230-a(8). The courses must be in addition to any existing licensing requirements and must be pre-approved by the Director of the Office of Professional Medical Conduct. The Respondent must submit proof of completion of the same to the Director of the Office of Professional Medical Conduct within thirty (30) days of completing the courses; and
5. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: Albany, New York  
February 22, 2021

  
Airlie A.C. Cameron, M.D., M.P.H., Chairperson  
Mehdi A. Khan, D.O.  
Myra M. Nathan, Ph.D.

TO: Hannah E.C. Moore, Assistant Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237



Thomas Knutson, 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 New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York Public Health Law § 230(10) or (19), or both.
2. Respondent shall maintain active registration of Respondent's 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, at least every six months and as otherwise requested, and within thirty days of any change in the information, the following in writing:
  - a. a full description of Respondent's employment and practice;
  - b. all professional and residential addresses and telephone numbers within and outside New York State;
  - c. all information concerning investigations, arrests, charges, convictions, or disciplinary actions by any local, state, or federal agency; and
  - d. all information concerning investigations, terminations, or disciplinary matters by any institution or facility.
4. Respondent shall provide to the Director of OPMC copies of all applications relating to the practice of medicine, including but not limited to, privileges, insurance, and licensure, in any jurisdiction, concurrent with submission of the applications.
5. Respondent shall cooperate fully with and respond within two weeks to any OPMC requests to provide written periodic verification of Respondent's compliance with these terms. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
6. 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 Respondent 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.



7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to:
  - a. a review of office records, patient records, hospital charts, and/or electronic records; and
  - b. interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
  
8. 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 State Board for Professional Medical Conduct may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

APPENDIX I

**IN THE MATTER**  
**OF**  
**THOMAS KNUTSON, M.D.**

AMENDED  
STATEMENT  
OF  
CHARGES

THOMAS KNUTSON, M.D., the Respondent, was authorized to practice medicine in New York State on or about 01/10/2018, by the issuance of license number 292173 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about 08/11/2019, the Respondent entered into an Order for Letter of Reprimand and Probation; and Consent to the Same, with the Arizona Medical Board. The Order imposed disciplinary action against Respondent for documenting and submitting a detailed note regarding one patient, when Respondent did not see that patient. Pursuant to the Order, Respondent was issued a letter of reprimand, and placed on probation for a period of six months. Among other terms, Respondent was ordered to complete a professional/problem-based ethics program.
- B. The conduct resulting in the Arizona disciplinary action against Respondent could constitute misconduct under the laws of New York State pursuant to the following sections of New York State Law:
1. New York Education Law § 6530(2) (practicing the profession fraudulently or beyond its authorized scope); and/or
  2. New York Education Law § 6530(21) (willfully making or filing a false report); and/or
  3. New York Education Law § 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)

**SPECIFICATION OF CHARGES**  
**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[2], and/or 6530[21], and/or 6530[32]) as alleged in the facts of the following:

1. Paragraphs A and B.

DATE: January 21, 2021  
Albany, New York

  
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TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct