



**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

March 10, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Stephen P. Bradley, M.D.


Nathaniel White, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Stephen P. Bradley, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 21-050) 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,

A solid black rectangular box redacting the signature of James F. Horan.

James F. Horan)
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cmt
Enclosure

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

COPY

-----x
IN THE MATTER

OF

STEPHEN P. BRADLEY, M.D.

:
: DETERMINATION
:
: AND
:
: ORDER
:
: BPMC-21-050
-----x

In accordance with Public Health Law (PHL) § 230, and the New York State Administrative Procedure Act (SAPA) Article 3, a hearing was held by videoconference on February 18, 2021. Pursuant to PHL § 230(10)(e), William A. Tedesco, M.D., Chairperson, Susan C. Ferrary, M.D., and Janet Axelrod, Esq., duly designated members of the State Board for Professional Medical Conduct (BPMC), served as the Hearing Committee in this matter. Jean T. Carney, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Associate Counsel Nathaniel White. The Respondent appeared pro se and testified in his own behalf. The Hearing Committee received and examined documents from the Department (Exhibits 1-4), and the Respondent (Exhibits A-D). A stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct in violation of Educ. Law § 6530(9)(d); and that pursuant to PHL § 230-a, the appropriate penalty is revocation, such

revocation being stayed. If and when the Respondent practices medicine in New York, the Respondent shall be placed on probation with a practice monitor; and a permanent limitation shall be imposed on the Respondent's license prohibiting him from prescribing schedule II-controlled substances.

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), having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

Under PHL § 230(10), the Department had 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. The Respondent was authorized to practice medicine in New York State on September 4, 1981, by the issuance of license number 147583. (Exhibit 3).

2. On February 3, 2020, the Respondent entered into a Stipulated Settlement with the Medical Board of California (CA Board) which resulted in a Decision dated June 5, 2020, effective on May 6, 2020, revoking the Respondent's license to practice medicine, staying the revocation and placing the Respondent on probation for three years under certain terms and conditions. The Respondent was required to complete at least 40 hours of continuing medical education each year during the term of probation; and complete courses in medical record keeping, prescribing practices, and ethics. The Respondent's practice must be monitored by either a physician or a professional enhancement program approved by the CA Board, according to a plan approved by the CA Board. (Exhibit 4).

3. The CA Board's disciplinary action against the Respondent was based on allegations that he committed gross negligence by prescribing escalating doses of opioids for chronic pain without paying sufficient attention to the risks of intoxication, overdose and abuse, despite the patient exhibiting signs of abuse. The Respondent also continued to prescribe benzodiazepine combined with opioids for a patient who tested positive for illicit substances, and took less than the prescribed amount yet ran out of medication early, indicating diversion. The Respondent committed repeated acts of negligence by failing to conduct a thorough psychiatric history in a patient who is self-

medicating with street drugs; failing to conduct a substance abuse history; failing to adjust a treatment plan when the patient was non-compliant; failing to obtain informed consent regarding the risk of combining medications; and failing to maintain accurate and adequate records. (Exhibit 4).

4. The Respondent is complying with the Order of the CA Board. He has taken courses in prescribing practices, ethics, and medical record keeping. In addition, he focuses his practice on treating addiction, and refers patients to a pain management practice, rather than prescribing medication for chronic pain management. (Exhibits C and D; Respondent's testimony).

VOTE OF THE HEARING COMMITTEE

The Hearing Committee concludes that the evidence supports sustaining the charge of having committed misconduct as defined in Educ. Law § 6530(9)(d).

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATIONS

The Department met its burden of proving by a preponderance of the evidence that the Respondent committed professional misconduct as alleged in the Statement of Charges. The evidence shows that the Respondent had disciplinary action taken by the CA Board which imposed a stayed revocation of the Respondent's medical license, and imposed three years monitored probation for practicing the profession with gross negligence; repeated acts of negligence; incompetence; and failing to maintain records

which accurately reflects the evaluation and treatment of his patients. If committed in New York State, the Respondent's actions would establish professional misconduct pursuant to Educ. Law §§ 6530(3), (4), and (32). The committee concludes that the Respondent's actions constitute professional misconduct as defined in Educ. Law § 6530(9)(d).

In considering the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties; the Hearing Committee noted that the Respondent appreciates the serious nature of the penalty imposed by the CA Board, and is complying with that order. He has changed his practice by referring patients with chronic pain to a pain management practice, and is focusing his practice of treating addiction. The Hearing Committee agrees with the Department's recommendation that the Respondent's medical license in New York State be revoked pursuant to PHL § 230-a; but chooses to stay the revocation, place the Respondent on probation for three years commencing if and when the Respondent begins practicing in New York, and subject the Respondent's license to a permanent limitation prohibiting him from prescribing schedule II-controlled substances.

ORDER

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 medicine is revoked pursuant to PHL § 230-a(4); and

3. Said revocation is stayed pursuant to PHL § 230-a(9); and


4. 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 attached hereto, commencing if and when the Respondent begins practice in New York, including requirements pertaining to obtaining a practice monitor, approved by the Office of Professional Medical Conduct prior to commencing practice in New York State; and

5. The Respondent's license to practice medicine in New York is subject to a permanent limitation pursuant to PHL § 230-a(3) prohibiting him from prescribing schedule II-controlled substances; and

6. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

DATED: Albany, New York

3/8, 2021


William A. Tedesco, M.D., Chairperson
Susan C. Ferrary, M.D.
Janet Axelrod, Esq.

To: Stephen P. Bradley, M.D.


Nathaniel White, Esq.
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower Building – 25th Floor
Empire State Plaza
Albany, New York 12237



APPENDIX A

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status; and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.

2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, 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 his 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, within 30 days of each action.

3. Respondent shall cooperate fully with and respond in a timely manner to OPMC requests to provide written periodic verification of his compliance with these terms. Respondent shall personally meet with a person designated by the Director of OPMC as directed.

4. Any civil penalty not paid by the date prescribed herein shall be subject to provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges, and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal

of permits or licenses. (Tax Law §171[27]; State Finance Law §18; CPLR §5001; Executive Law §32).

5. The period of probation shall be tolled during periods in which Respondent is not actively engaged in the practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

6. 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.

7. During the probationary period, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Any medical practice in violation of this term shall constitute the unauthorized practice of medicine.

- a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site

observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly; and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information, and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. The Respondent shall be solely responsible for all expenses associated with the practice monitoring including fees, if any, to the monitoring physician. The Respondent shall cause the practice Monitor to report quarterly, in writing, to the OPMC Director. The Respondent shall maintain malpractice insurance coverage with limits no less than two million dollars per occurrence, and six million dollars per policy year, in accordance with Public Health Law §230(18)(b). Proof of coverage shall be submitted to the OPMC Director prior to the Respondent's return to practice.

8. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations.

9. Respondent shall enroll in and complete a continuing education program subject to the written approval of the Director of OPMC and be completed within the first year of probation.

10. The Respondent shall comply with all terms, conditions, restrictions, limitations, and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

11. The Respondent shall make available for review by a third-party billing monitor, any and all office and account records, as directed by OPMC. Such billing monitor shall be proposed by the Respondent and approved in writing by the OPMC Director. The Respondent shall cooperate fully in the process. The review will determine whether the Respondent's medical billing and related documentation practices are conducted in a manner that complies with all Federal, State and local statutes and regulations regarding billing for medical services; and is accurate under all relevant circumstances as to the services rendered, and the clinical basis for such services. The Respondent shall be solely responsible for all expenses associated with the monitoring including fees, if any, to the billing monitor. The Respondent shall cause the billing monitor to report quarterly, in writing, to the OPMC Director. Any perceived deviation from proper billing practices or

refusal to cooperate with the billing monitor shall be reported by the billing monitor to OPMC within 24 hours.

APPENDIX B

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

IN THE MATTER

OF

STEPHEN P. BRADLEY, M.D.

STATEMENT

OF

CHARGES

STEPHEN P. BRADLEY, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 4, 1981 by the issuance of license number 147583 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 6, 2020, the Medical Board of California ordered a Stipulated Settlement and Disciplinary Order ("California Order") against the Respondent that became effective on June 5, 2020. The California Order imposed a stayed revocation against the Respondent's California medical license, and also imposed a three year period of probation during which the Respondent must complete no less than forty additional hours of educational courses per year of probation, and additional courses in the areas of prescribing, record keeping, and professional ethics. The California Order also requires that the Respondent have his practice monitored by a Board approved monitor, and that Respondent be limited from supervising physician assistants and/or advance practice nurses during the probation period. The California Order was the result of an Accusation from on or about April 12, 2019 that stated four causes of discipline, including Gross Negligence in the care and treatment of two patients, Repeated Negligent Acts in the care and treatment of three patients, Failing to Maintain Adequate and Accurate Records for one patient, and General Unprofessional Conduct in the care and treatment of three patients.

B. The conduct resulting in the California disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York State law:

1. New York Education Law section 6530(3) (practicing the profession with negligence on more than one occasion);
2. New York Education Law section 6530(4) (practicing the profession with gross negligence on a particular occasion); and/or
3. New York Education Law section 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES

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], [4] and/or [32]) as alleged in the facts of the following:

1. Paragraphs A, B and B.1, B.2 and/or B.3.

DATE: December 30, 2020
Albany, New York



 TIMOTHY J. MAHAR
 Deputy Counsel
 Bureau of Professional Medical Conduct