



**Department
of Health**

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

March 7, 2022

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Patrick Admiral Dunphy, P.A.



Re: License No. 013920

Dear Mr. Dunphy:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 22-044. This order and any penalty provided therein goes into effect March 14, 2022.

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: Jim Dering, Esq.
Garfunkel Wild
677 Broadway
Albany, New York 12207

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

BPMC No. 22-044

IN THE MATTER
OF
PATRICK ADMIRAL DUNPHY, P.A.

CONSENT
ORDER

Upon the application of Patrick Admiral Dunphy, P.A., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and


it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 3/03/2022


THOMAS T. LEE, M.D.

Interim Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
PATRICK ADMIRAL DUNPHY, P.A.

CONSENT
AGREEMENT

Patrick Admiral Dunphy, P.A., represents that all of the following statements are true:

That on or about March 15, 2010, I was licensed to practice as a Physician Assistant in the State of New York, and issued License No. 013920 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 understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I agree not to contest the allegations, in full satisfaction of the charges against me, and hereby agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(2), my license to practice as a physician assistant in New York State shall be suspended for twenty-four months, with the last twenty-four months stayed.

Pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice as a physician assistant in New York State shall be limited to preclude prescribing, dispensing, ordering, and/or administering of any prescription medication for Respondent's family members, friends, or colleagues.

Respondent, by making this application, asserts that Respondent does not currently practice as a Physician Assistant in New York State or in any setting or jurisdiction where that practice is predicated upon Respondent's New York State license ("New York Practice"). As a condition of this Order, should Respondent decide to resume practicing as a physician assistant in New York, Respondent shall, before beginning such practice, provide 30 days advance written notice to the Director of OPMC. Respondent may not begin practicing in New York until after Respondent receives the Director's written acknowledgment that this condition has been satisfied and shall be subject to any further conditions the Director may impose upon Respondent's New York Practice related to Respondent's continued participation in a wellness program based on matters underlying this Consent Agreement and any circumstances or information known to the Director at the time of Respondent's proposed return to New York Practice. Respondent, by making this Application, stipulates that the Director shall be authorized in his or her sole discretion to

impose whatever such further conditions the Director deems appropriate upon Respondent's return to practice in New York, and Respondent further stipulates that Respondent's failure to comply with these conditions shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I will comply with, and successfully complete, to the satisfaction of the Director of OPMC, the terms/or conditions of the January 10, 2020, Agreed Order with the New Mexico Medical Board and all subsequent agreements and successfully complete the contract with the New Mexico Health Professional Wellness Program.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502, including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective

date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or 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 disciplinary required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a

timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order

shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent 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 2/28/2022




PATRICK ADMIRAL DUNPHY, P.A.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 3/2/22


JAMES E. DERING, ESQ.
Attorney for Respondent

DATE: 3/2/22


DEBORAH BETH MEDOWS
Senior Attorney
Bureau of Professional Medical Conduct

DATE: 3-3-22



SHELLY WANG BANDAGO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
PATRICK ADMIRAL DUNPHY, P.A.**

**STATEMENT
OF
CHARGES**

Patrick Admiral Dunphy, P.A., the Respondent, was authorized to perform medical services in New York State on or about March 15, 2010, by the issuance of license number 013920 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about January 10, 2020, Respondent entered into an Agreed Order for Suspension, Reprimand, Fines, and Stipulations on License with the New Mexico Medical Board (hereinafter "the Board"). In the Agreed Order, the parties stipulated that the Respondent admitted no wrongdoing by entering into the order. The parties also stipulated that the Board's investigation produced evidence supporting the allegations that:
- a. On one or more occasions Respondent obtained unauthorized prescriptions for controlled substances for himself and/or someone else.

- b. On one or more occasions, Respondent prescribed controlled substances for another medical provider without adequate documented medical justification.
- c. On one or more occasions, Respondent prescribed controlled substances to another medical provider without first obtaining a prescription monitoring program (PMP) report.
- d. On one or more occasions, Respondent did not maintain proper medical records for one or more persons to whom he prescribed one or more controlled substances.
- e. On one or more occasions, Respondent used one or more controlled substances without adequate documented medical justification.
- f. Respondent was a defendant in a 2016 criminal action and did not report that action to the Board.
- g. Respondent was a defendant in the 2018 criminal action giving rise to the Board's Investigation and this case, and did not report that action to the Board in a timely manner.
- h. Respondent did not cooperate with Board investigators.
- i. On one or more occasions, when he was not scheduled to work, Respondent arrived at the hospital emergency room where he worked appearing to be impaired.

j. Respondent was being treated with opioids for chronic pain but did not comply with the requirements the Board imposes on practitioners being treated for chronic pain with opioids.

B. Respondent agreed to: accept a reprimand; \$11,000 in fines; a nine-month retroactive suspension of Respondent's license with reactivation dependent on certain conditions; successful completion of Board-approved courses in medical ethics, controlled substance prescribing, and medical-record keeping; stipulations on Respondent's license regarding controlled substances and requiring him to appear before the Board; enter into and comply with a mandatory contract with the New Mexico Health Professional Wellness Program that would require him to abstain from alcohol and controlled substances without prior approval, work with a worksite monitor, and undergo testing; undergo a professionalism evaluation and coaching; among further conditions.

C. On or about July 9, 2020, the Board issued an Administrative Order for Partial Release from Stipulations on Licensure. The Board found that Respondent successfully completed the required courses and released Respondent from stipulations requiring him to meet those requirements and reinstated Respondent's prescriptive authority.

1. The conduct described in the Agreed Order with the New Mexico Board would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a. 1. N.Y. Education Law § 6530 (3) (Practicing the profession with negligence on more than one occasion), as alleged in the facts of:

i. Paragraphs A and B.

b. N.Y. Education Law § 6530 (8) (Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice, or having a psychiatric condition which impairs the licensee's ability to practice), as alleged in the facts of:

ii. Paragraphs A and B.

c. N.Y. Education Law § 6530 (32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient), as alleged in the facts of:

i. Paragraphs A and B.

d. N.Y. Education Law § 6530 (21) (Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing), as alleged in the facts of:

i. Paragraphs A and B.


SPECIFICATION OF CHARGE

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 (3),(8) (32) and (21), as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

DATE: September 14, 2021
New York, New York


Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct