



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

February 1, 2022

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Deborah Beth Medows, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
90 Church Street  
New York, New York 10007

Lora Lee Thaxton, M.D.  


**RE: In the Matter of Lora Lee Thaxton, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 22-016) 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:

Jean T. Carney, 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 Ms. Carney 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 Dawn MacKillop-Soller.

Dawn MacKillop-Soller  
Acting Chief Administrative Law Judge  
Bureau of Adjudication

DXM: cmg  
Enclosure

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

COPY

-----X  
IN THE MATTER  
OF  
LORA LEE THAXTON, M.D.  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-22-016

A hearing was held on January 12, 2022, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), Gail Homick Herrling, Chairperson, Elaine L. Wilk, D.O., and Mehdi Khan, D.O., 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 Deborah Beth Medows, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges, both dated December 6, 2021, were duly served upon Lora Lee Thaxton, M.D. (Respondent), who did not appear at the hearing.

The Hearing Committee received and examined documents from the Department. (Dept. Exs. 1-7.) A stenographic reporter prepared a transcript of the proceeding.

**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 one specification of 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. The Respondent was licensed to practice medicine in New York State on July 18, 2012 by issuance of license number 265899. (Dept. Ex. 7.)

2. On April 5, 2021, the Board of Medicine of the State of Florida (Florida Board) approved and adopted a Settlement Agreement and issued a Final Order against the Respondent. The Florida Board suspended the Respondent's medical license until such time as she demonstrates to the Board her ability to practice medicine with reasonable skill and safety, which demonstration shall include an evaluation by the Professional Resources Network. The Florida Board also imposed a \$5,000 administrative fine and costs in the amount of \$2,500. (Dept. Exs. 3 & 4.)

3. The Settlement Agreement was a result of allegations contained in an Administrative Complaint that the Respondent neither admitted nor denied. The allegations include that the Respondent is unable to practice medicine with reasonable skill or safety to patients due to an alcohol use disorder. The allegations stem from a report by a nurse that the Respondent appeared impaired at work in December 2019, a breath alcohol test revealing a BAC of 0.1, and a subsequent

diagnosis of moderate to severe alcohol use disorder by an expert in addiction medicine. (Dept. Exs. 4-6.)

#### 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 has thoroughly considered the evidence in this matter. It concludes that the conduct resulting in the disciplinary action in Florida, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in Educ. 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.

The Hearing Committee is extremely concerned over the pervasive impact of the Respondent's alcohol use into her profession. The Respondent's reporting for work impaired and her alcohol use disorder put the public at risk from the Respondent's practice of medicine. Moreover, the Respondent made no effort to appear before the Hearing Committee or demonstrate treatment or participation in a rehabilitative program. As such, the Hearing Committee finds that the only appropriate penalty in this matter is revocation of the Respondent's license to practice medicine in the State of New York.

#### 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 medicine 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: Albany, New York  
January 27, 2022



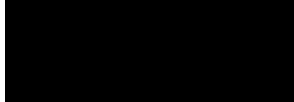
Gail Homick Herrling, Chairperson  
Elaine L. Wilk, D.O.  
Mehdi Khan, D.O.

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Deborah Beth Medows  
Senior Attorney  
New York State Department of Health  
Bureau of Professional Medical Conduct  
90 Church Street  
New York, NY 10007



Lora Lee Thaxton, M.D.



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

STATEMENT  
OF  
CHARGES

IN THE MATTER  
OF  
LORA LEE THAXTON, M.D.

Lora Lee Thaxton, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 18, 2012 by the issuance of license number 265899 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 5, 2021, the Board of Medicine of the State of Florida approved and adopted a Settlement Agreement (herein after "Agreement") and issued a Final Order, which incorporated by reference the Agreement, with a clarification which set the costs assessed in the stipulated disposition. The Florida Board imposed a \$5,000 administrative fine, costs in the amount of \$2,500, and suspended Respondent's Florida medical license "until such time as she demonstrates to the Board her ability to practice medicine with reasonable skill and safety, including an evaluation by the Professional Resources Network (PRN)." The Agreement was predicated on the facts contained in the Administrative Complaint, which Respondent neither admitted nor denied, which alleged that Respondent is unable to practice medicine with reasonable skill and safety due to her alcohol use disorder. Respondent admitted that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458 of the Florida Statutes.

1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

a) New York Education Law Section 6530(8) (being a habitual abuser of alcohol or having a psychiatric condition which impairs the licensee's ability to practice).

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

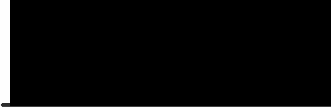
**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered Respondent's 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. Paragraph A and its subparagraphs.



DATE: December 6 , 2021  
New York, New York



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HENRY WEINTRAUB  
Chief Counsel  
Bureau of Professional Medical Conduct