



## Department of Health

KATHY HOCHUL  
Governor

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

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

January 14, 2022

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Rivas, Esq.  
Rivas Goldstein, LLP  
3345 Bee Cave Road, Suite 104  
Austin, Texas 78746

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

**RE: In the Matter of Michael James Hall, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 22-007) 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:

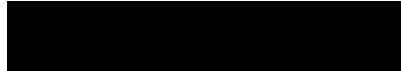
Jean T. Carney, Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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 Judge 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** :

: **MICHAEL JAMES HALL, MD** :

**DETERMINATION**

**AND**

**ORDER**

**BPMC-22-007**  
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A Notice of Referral Proceeding and Statement of Charges, both dated, October 22, 2021, were served on Michael James, Hall, MD (Respondent). The Respondent filed an answer on November 30, 2021. A hearing was held on December 16, 2021 via WebEx videoconference. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **JAMES M. LEONARDO, MD**, Chairperson, **JOSEPH S. BALER, MD**, and **EILEEN PASQUINI, BS, AAS**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee in this matter. **NATALIE BORDEAUX, ADMINISTRATIVE LAW JUDGE**, served as the administrative officer.

The Department appeared by Deborah Beth Medows, Esq. The Respondent was represented by John Rivas, Esq., and testified on his own behalf. The Hearing Committee received and examined documents from the Department (Exhibits 1-2, 4-7) and the Respondent (Exhibits 2, 3a, 4-9). A transcript of the proceeding was made.

After consideration of the hearing record in its entirety, the Hearing Committee hereby issues this Determination and Order. All findings, conclusions, determinations, and orders herein are unanimous.

### JURISDICTION

The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d), by having disciplinary action taken against his license to practice medicine in Florida where the conduct resulting in the disciplinary action taken would, if committed in New York state, constitute professional misconduct under the laws of New York state.

A licensee charged solely with a violation of Educ. Law § 6530(9) is entitled to a hearing, the scope of which is limited to whether there is a relevant conviction or administrative determination and if so, the nature and severity of the penalty to be imposed. PHL § 230(10)(p). Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. The Department had the burden of proving its case by a preponderance of the evidence. PHL § 230(10)(f).

### FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York on August 11, 1995 under license number 200461. (Dept. Exhibit 7.)
2. On February 28, 2017, the Florida Department of Health filed an administrative complaint against the Respondent before the Florida Board of Medicine (Florida Board), alleging that the Respondent posted a comment on a public website, yelp.com, in which he disclosed, without authorization, a patient's name and asserted that the patient improperly used an inspector's badge to fraudulently obtain narcotics and has consulted over 28 physicians in Florida for prescriptions, pills, and other medical services. (Dept. Exhibit 6.)
3. On August 8, 2019, the Respondent entered into a settlement agreement with the Florida Department of Health, pending final approval by the Florida Board, to resolve the administrative complaint. Pursuant to this agreement, the Florida Board would issue a letter of

concern against the Respondent's license, and the Respondent would pay an administrative fine of \$1,500, reimburse the Florida Department of Health for costs of investigating and prosecuting the matter in the amount of \$10,000, and complete five hours of continuing medical education (CME) in each of the following subjects: (1) Health Information Security and Privacy, and (2) Risk Management. (Dept. Exhibit 5.)

4. On December 18, 2019, the Florida Board issued a Final Order adopting the settlement agreement between the Respondent and the Florida Department of Health. (Dept. Exhibit 4.)

#### **CONCLUSIONS OF LAW AND DETERMINATION AS TO PENALTY**

The Respondent entered into an agreement with the Florida Department of Health, ultimately adopted by the Florida Board in a Final Order, to resolve charges of unauthorized disclosure of patient information. (Exhibit 4.) The Department's October 22, 2021 Statement of Charges alleges that the Respondent's misconduct in Florida described in the February 28, 2017 Administrative Complaint, and resolved by the December 18, 2019 Final Order, constituted professional misconduct under Educ. Law § 6530(9)(d). (Exhibit 1.) The Respondent contended that he did not obtain the disclosed information in his professional capacity as a physician, but rather as a civilian filing a complaint and seeking a restraining order against his former patient.

The Hearing Committee was not persuaded by the Respondent's claim, as the Respondent obtained the information that he subsequently disclosed on yelp.com (the patient's identity and attempts to obtain narcotics from other physicians) in his professional capacity. The patient sought medical services (suboxone addiction therapy) from the Respondent. When the patient failed to return for necessary bloodwork, despite having already received an abbreviated prescription for suboxone, the Respondent consulted Florida's Prescription Drug Monitoring

Program (E-FORCSE). He was only able to access E-FORCSE with his professional credentials and only did so because of his treatment of the patient. Furthermore, his initial communications with law enforcement, through which he learned of the patient's improper use of [REDACTED] badge to procure controlled substances from other physicians, all stemmed from the Respondent's professional obligations regarding the patient's suboxone therapy.<sup>1</sup> For these reasons, the Hearing Committee found that the Respondent's conduct, had it occurred in New York, would constitute misconduct pursuant to Educ. Law § 6530(23), revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient, except as authorized or required by law. (Exhibit 1.)

The Hearing Committee considered all possible penalties authorized by PHL § 230-a, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties. The Department requested the imposition of a censure and reprimand, along with a \$2500 fine. The Respondent sought dismissal of the charge in the interest of justice.

The Hearing Committee saw no value in imposing a fine because the Respondent had already paid a fine in Florida, and his actions did not impact individuals in New York. However, the Hearing Committee also did not agree that the charge should be dismissed in the interest of justice.

While the Hearing Committee recognized that the Respondent removed his yelp.com posting within a few days, the Respondent still breached his duty to maintain patient privacy and protected health information when he made the unauthorized disclosure. The Hearing

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<sup>1</sup> Prior to commencing treatment at the Respondent's practice, the patient signed a suboxone therapy contract, which advised that, pursuant to Florida law, the patient's failure to abide by the terms of the agreement would necessitate a referral to law enforcement.

Michael James Hall, MD - Direct Referral

Committee therefore concluded that a censure and reprimand was the most appropriate penalty to rebuke the Respondent's lapse in judgment.

**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 hereby subject to a censure and reprimand. PHL § 230-a(1).
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: January 13, 2022  
Cooperstown, New York



James M. Leonardo, MD  
 Chairperson

Joseph S. Balcer, MD  
 Eileen Pasquini, BS, AAS

To: John Rivas, Esq.  
 Rivas Goldstein, LLP  
 3345 Bee Cave Road, Suite 104  
 Austin, TX 78746

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

**EXHIBIT "A"**

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

**IN THE MATTER  
OF  
MICHAEL JAMES HALL, M.D.**

**STATEMENT  
OF  
CHARGES**

Michael James Hall, M.D., the Respondent, was licensed to practice as a physician in New York State on or about August 11, 1995, by the issuance of license number 200461 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about December 18, 2019, the State of Florida Board of Medicine issued a Final Order concerning Respondent. The Final Order adopted, and incorporated by reference, a Settlement Agreement ("Florida Settlement") that was issued on or about August 8, 2019. The Florida Settlement cited an Administrative Complaint, issued on or about February 28, 2017, the allegations of which Respondent neither admitted nor denied. The Administrative Complaint alleged that Respondent disclosed the name of the patient on Yelp.com without authorization, and disclosed that the patient used the patient's inspector's badge to fraudulently obtain narcotics and had seen twenty-eight doctors in Florida for numerous prescriptions, pills, and other medical services. The Florida Board



issued a letter of concern; a fine of \$1,500; reimbursement of costs in the amount of \$10,000; five hours of continuing medical education relating to Health Information Security and Privacy, or a Board-approved equivalent; and continuing medical education in Risk Management.

1. The conduct described in Paragraph A 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 (23)( Revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient, except as authorized or required by law), as alleged in the facts of:

i. Paragraph A.

### **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 (23), as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: October 22, 2021  
New York, New York



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Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct