



**Department
of Health**

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

July 25, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Shannon Calhoun, D.O.


Marc S. Nash, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Shannon Calhoun, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 22-173) 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:

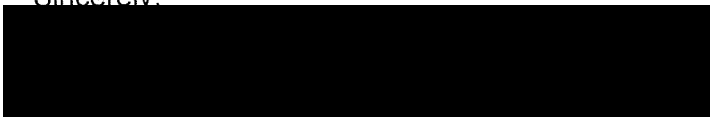
Jean T. Carney, Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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,



Seán D. O'Brien
Acting Chief Administrative Law Judge
Bureau of Adjudication

SDO: cmg
Enclosure

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

COPY

-----X
IN THE MATTER
OF
SHANNON CALHOUN, D.O.

:
DETERMINATION

:
AND

:
ORDER

:
-----X
BPMC-22-173

A Notice of Referral Proceeding and Statement of Charges dated May 12, 2022, were duly served upon Shannon Calhoun, D.O. (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibits 1, 2.) A hearing was held on July 13, 2022, via WebEx videoconference. Pursuant to § 230(10)(e) of the PHL, **SAMUEL F. BOSCO, M.D.**, Chairperson, **PROSPERE REMY, M.D.** 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. **NATALIE BORDEAUX** served as the administrative officer.

The Department appeared by Marc Nash, Associate Counsel. The Respondent appeared at the hearing and testified on his own behalf. The Hearing Committee received and examined documents from the Department (Exhibits 1-4) and the Respondent (Exhibit A.) A transcript of the proceeding was made. After consideration of the entire hearing record, the Hearing Committee hereby issues this Determination and Order. All findings, conclusions, and determinations are unanimous. For reasons set forth below, the Hearing Committee determined to sustain the charge that the Respondent committed professional misconduct in violation of Education Law § 6530(9)(d) but declined to impose a penalty.

BACKGROUND

The Department brought the case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Education Law § 6530(9)(d), by having disciplinary action taken against his license to practice medicine in Colorado 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. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York on November 28, 2007, under license number 246871. (Exhibit 3.)
2. On August 26, 2021, the Respondent entered into a Stipulation and Final Agency Order with the Colorado Medical Board (Colorado Board) wherein he admitted to habitually or excessively using or abusing alcohol, a habit-forming drug, or a controlled substance, and having a physical or mental illness or condition that renders him unable to perform a medical service with reasonable skill and with safety to patients in the absence of treatment monitoring. Effective September 9, 2021, the Respondent was placed on probation for five years, during which he was required to undergo treatment and monitoring as determined by the Colorado Physician Health Program. (Exhibit 4.)

DISCUSSION

The Respondent entered into a Stipulation and Final Agency Order with the Colorado Board to resolve charges that: (a) he has a physical or mental illness or condition that renders him unable to perform a medical service with reasonable skill and with safety to patients in the absence of treatment

monitoring; and (b) he habitually or excessively used or abused alcohol, a habit-forming drug, or a controlled substance. (Exhibit 4.) The Department's May 12, 2022 Statement of Charges alleges that the Respondent's misconduct in Colorado described in the Stipulation and Final Agency Order would, if committed in New York, constitute professional misconduct as defined in Education Law § 6530(8), being a habitual user 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. (Exhibit 1.)

The Hearing Committee agreed that the Respondent's actions resulting in the Colorado Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to Education Law § 6530(8). The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d).

After determining to sustain the charge, the Committee considered all possible penalties authorized by PHL § 230-a. The Hearing Committee did not agree that the Department-recommended penalties of censure and reprimand, and a five-year probation term with impairment monitoring was warranted in this matter. Nor did the Hearing Committee deem any penalty necessary.

The Respondent is a licensed physician in over 40 states in furtherance of his work as a teleradiologist, but resides in the state of Oklahoma, where he voluntarily sought assistance in overcoming his alcohol addiction. The Respondent has complied with all requirements of the Oklahoma Health Professionals Program and has completed three and a half years of a five-year contract with that program, which requires cooperation with random weekly alcohol drug screens, participation in weekly meetings, and two recovery support meetings per week. (Exhibit A.) The

Respondent's license to practice medicine is also subject to probationary terms and participation in treatment monitoring programs in at least four other jurisdictions besides Oklahoma. The members of the Hearing Committee were satisfied that the Respondent's difficulties are already adequately monitored and saw no added benefit in imposing further redundant measures.

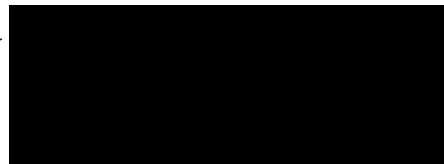
The Hearing Committee also determined that a censure and reprimand was inappropriate under the circumstances. The members of the Hearing Committee all acknowledged and applauded the proactive measures taken by the Respondent in addressing his addiction, and his willingness to comply with the terms of multiple rehabilitation programs. For all of these reasons, the Hearing Committee declined to impose a penalty.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. No penalty is imposed.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: July 22, 2022
_____, New York



Samuel F. Bosco, M.D.
Chairperson

Prospere Remy, M.D.
Myra M. Nathan, Ph.D.

To: Shannon Calhoun, D.O.





Marc S. Nash, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237

IN THE MATTER
OF
SHANNON CALHOUN, D.O.

STATEMENT
OF
CHARGES

SHANNON CALHOUN, D.O., the Respondent, was authorized to practice medicine in New York State on or about November 28, 2007, by the issuance of license number 246871 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 26, 2021, Respondent and the Colorado Medical Board (hereinafter, "Colorado Board") entered into a Stipulation and Final Agency Order which placed Respondent's license on five years' probation, during which time Respondent is to abstain from the use of alcohol or any habit-forming drug, other than prescribed by an authorized person, and receive treatment and monitoring from the Colorado Physician Health Program. The disciplinary action was based upon findings that Respondent has a physical or mental illness or condition that renders him unable to perform a medical service with reasonable skill and with safety to patients in the absence of treatment monitoring and that Respondent habitually or excessively used or abused alcohol.

B. The conduct resulting in the Colorado Board's disciplinary action against 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 § 6350(8) (Being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics).

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 the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the 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 B and B1.

DATE: May 12, 2022
Albany, New York


JEFFREY J. CONKLIN
Acting/Deputy Counsel
Bureau of Professional Medical Conduct