



Department of Health

KATHY HOCHUL
Governor


JAMES V. McDONALD, M.D., M.P.H.
Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

June 16, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Esq.
NYS Department of Health
90 Church Street – 4th Floor
New York, New York 10007

Courtney Rochelle Carter Spagnolo, D.O.


RE: In the Matter of Courtney Rochelle Carter Spagnolo, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 23-129) 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.

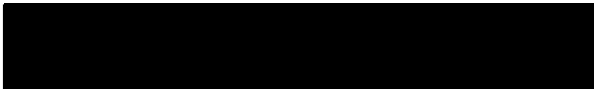
The notice of review served on the Administrative Review Board should be forwarded to:

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,


Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: nm
Enclosure

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

COPY

-----X
IN THE MATTER :
OF :
COURTNEY ROCHELLE CARTER SPAGNOLO, D.O. :
-----X

DETERMINATION
AND
ORDER

BPMC-23-129

A Notice of Referral Proceeding dated April 21, 2023 and Statement of Charges dated March 23, 2023, were duly served upon Courtney Rochelle Carter Spagnolo, D.O. (Respondent) pursuant to Public Health Law (PHL) § 230(10)(d)(i). (Exhibits 1-3.) A hearing was held on June 8, 2023, via WebEx videoconference. Pursuant to PHL § 230(10)(e), **RAVINDER MAMTANI, M.D.**, Chairperson, **NOLAN J. KAGETSU, M.D.**, and **JANET AXELROD, ESQ.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee. **NATALIE BORDEAUX**, Administrative Law Judge (ALJ), served as the administrative officer.

The Department appeared by Deborah Beth Medows, Associate Counsel. The Respondent did not appear. The Hearing Committee received and examined documents from the Department (Exhibits 1-6). A transcript of the proceeding was made. After consideration of the entire hearing record, the Hearing Committee hereby issues this Determination and Order, revoking the Respondent's license to practice medicine. All findings, conclusions, and determinations are unanimous.

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), having disciplinary

action taken against her medical license in Virginia, after the action was instituted by a duly authorized professional agency of that state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York. 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 June 29, 2016, under license number 285462. (Exhibit 4.)
2. By Order dated May 6, 2021, the Virginia Board of Medicine (Virginia Board) determined that the Respondent engaged in unprofessional conduct pursuant to Virginia Code § 54-1.2915(A)(3), intentional or negligent conduct in the practice of any of the healing arts that causes or is likely to cause injury to a patient or patients, in her treatment of six patients. The Virginia Board also found that the Respondent's behavior towards her colleagues constituted violations of Virginia Code § 54-1.2915(A)(18) and 18 VAC § 85-20-29(A)(2), as she engaged in an egregious pattern of disruptive behavior in a health care setting (state psychiatric hospital) that interfered with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient. Based on those findings, the Virginia Board determined to reprimand the Respondent. (Exhibit 5.)

DISCUSSION

On April 29, 2023, a process server rang the Respondent's call box at her apartment building, and was informed by the Respondent that she would not accept the hearing notice. The Department made other unsuccessful attempts at personal service, including attempts to hand-deliver the hearing notice to the Respondent at her last known places of employment on April 26 and May 1, 2023. However, on both occasions, the receptionists informed the process server that the Respondent was

no longer employed and declined to offer additional information. After certifying under oath that personal service could not be made after due diligence, the Department served the Notice of Hearing and Statement of Charges by certified mail to the Respondent's last verified address (the apartment from which she informed the process server that she would not accept those documents), pursuant to PHL § 230(10)(d). (Exhibits 1, 2.) Upon the Department having established jurisdiction and proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

By Order dated May 6, 2021, the Virginia Board determined that the Respondent engaged in intentional or negligent conduct in her medical practice that caused or was likely to cause injury to Patients A-F, and that, with respect to her behavior toward her colleagues, she engaged in an egregious pattern of disruptive behavior in a health care setting (state psychiatric hospital) that interfered with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient. The Virginia Board found that the Respondent made harsh and belittling statements to Patients A-F and employed a sand timer to rush patients during psychiatric treatment sessions which caused several patients to become upset.

In reviewing the Respondent's treatment of Patient A, the Virginia Board incorporated investigatory findings made by the state psychiatric hospital where the Respondent was employed, and the findings by the local Department of Social Services, both of which concluded that the Respondent's behavior toward Patient A constituted psychological abuse. (Exhibit 5.)

The Hearing Committee agreed that the Respondent's conduct resulting in the Virginia Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to: Education Law § 6530(31), willfully harassing, abusing, or intimidating a patient either physically or verbally; and Education Law § 6530(20), conduct in the practice of medicine which evidences moral

unfitness to practice medicine, based upon the findings of abuse. The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d).

After determining to sustain the charge, the Hearing Committee considered all possible penalties authorized by PHL § 230-a, and agreed with the Department's recommendation that the Respondent's medical license should be revoked. The Hearing Committee was troubled by the Virginia Board's findings, as it reflected a pattern of inappropriate and unprofessional behavior, rather than an anomaly. The Respondent spoke and behaved disparagingly during her treatment of six patients. Her behavior during sessions with Patient A was deemed so harsh that her own employer and the local Department of Social Services each concluded that she had abused the patient.

The Respondent also exhibited an unwillingness to accept responsibility and alter her behavior towards patients, even after colleagues expressed their concerns. Instead, the Respondent repeatedly berated her colleagues at the state psychiatric hospital when they questioned the appropriateness of her use of a sand timer and her demeaning statements to patients. The Respondent's absence from this proceeding only underscored her disregard for professional conduct requirements. For all of these reasons, the Hearing Committee determined to revoke the Respondent's medical license.


ORDER

IT IS HEREBY ORDERED THAT:

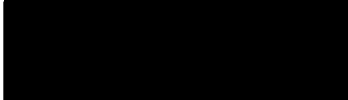
1. The charge of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. The Respondent's license to practice medicine in the state of New York is hereby revoked. PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: 6/14, 2023

Hopewell, NJ New York


Ravinder Mamtani, M.D., Chairperson
Nolan J. Kagetsu, M.D.
Janet Axelrod, Esq.

To: Dr. Courtney Carter Spagnolo


Deborah Beth Medows, Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, New York 10007

IN THE MATTER
OF
COURTNEY ROCHELLE CARTER SPAGNOLO, D.O.

STATEMENT
OF
CHARGES

Courtney Rochelle Carter Spagnolo, D.O., the Respondent, was authorized to practice medicine in New York State on or about June 29, 2016, by the issuance of license number 285462 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 6, 2021, the Virginia Board of Medicine issued an Order reprimanding Respondent based on Findings of Facts and Conclusions of Law that the Board adopted.
- B. The Board found that Respondent violated Virginia Code §54.1-2915(A)(3), by "engag[ing] in the following behaviors":
- i. During a treatment team meeting, Respondent "made harsh and belittling statements," which caused Patient A to become "upset and sad."
 - ii. During a treatment team meeting, Patient B became tearful after Respondent made demeaning comments about Patient B.

- iii. During a treatment team meeting with Patient C, Respondent "repeatedly shook a sand timer and interrupted the patient mid-sentence to tell the patient she was running out of time."
- iv. During two treatment team meetings with Patient D, Respondent made inappropriate comments directed to Patient D, which made Patient D upset and tearful.
- v. During a treatment team meeting with Patient E, Respondent made inappropriate comments to Patient E.
- vi. During a treatment team meeting with Patient F, Respondent made abusive remarks to Patient F, which caused the patient to become so upset that security was called to escort Patient F from the room.

C. The Virginia Board found that Respondent violated Virginia Code §54.1-2915 (A) (18) and Virginia Code §85-20-29 (A) (2) by "repeatedly berat[ing] her colleagues at the state psychiatric hospital when they questioned the appropriateness of her using a sand timer and telling patients that they were out of time in treatment team meetings, discounting the value of therapy, and making demeaning statements to patients."

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

- i. N.Y. Education Law § 6530 (31) (Willfully harassing, abusing, or intimidating a patient either physically or verbally), as alleged in the facts of:
 1. Paragraphs A-C and their subparagraphs.
- ii. N.Y. Education Law § 6530 (20) (Conduct in the practice of medicine which evidences moral unfitness to practice medicine), as alleged in the facts of:
 1. Paragraphs A-C and their subparagraphs.
- ii. N.Y. Education Law § 6530 (3) (Practicing the profession with negligence on more than one occasion), as alleged in the facts of:
 1. Paragraphs A-C and their subparagraphs.

SPECIFICATION OF CHARGES

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 (31), (20), and (3) as alleged in the facts of the following:

1. The facts in Paragraph A-C and their subparagraphs.

DATE: March 23 2023
New York, New York



Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct