



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

January 13, 1999

CONFIDENTIAL

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph N. Aaron, M.D.
2803 North 700 East
Provo, UT 84604

RE: License No. 072800

Dear Dr. Aaron:

Enclosed please find Order #BPMC 99-5 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 13, 1999**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Anthony M. Benigno, Esq.

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

IN THE MATTER	:	APPLICATION TO
OF	:	MODIFY ORDER
	:	and
JOSEPH AARON, M.D.	:	SURRENDER LICENSE
	:	BPMC # 99-5

JOSEPH AARON, M.D., the Respondent, states that I was authorized to practice medicine in New York State on December 12, 1952, by the issuance of License No. 072800 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice in the State of New York. My address is 2803 North 700 East, Provo, UT 84604.


I am the subject to Order No. BPMC 93-40, annexed hereto, made a part hereof, and marked as Exhibit 1. I am applying to the State Board for Professional Medical Conduct for an Order (henceforth "Modification/Surrender Order"), modifying the original order and to surrender my license to practice medicine in the State of New York. This application to modify the prior order is based upon the fact that I do not intend to return to medical practice in the State of New York, and upon the understanding that this modification/surrender order will be a revision of the original order, with the surrender predicated upon the same matter as was the original order. The modification/surrender order to be issued will not constitute a new disciplinary action against me, but will substitute license surrender for the sanction imposed by the original order.

I make this application to the State Board for Professional Medical Conduct (Board) and request that it be granted.

I understand that, in the event that the application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me.

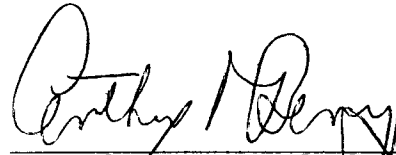
I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification/surrender order. I agree that, in the event the Board grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the Board's granting of this application modify my prior consent order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification/surrender order.


JOSEPH AARON, M.D.
Respondent

The undersigned agree to the attached application of the Respondent to modify the original order and to surrender his license to practice medicine in the State of New York.

Date: 12/30, 1998



ANTHONY M. BENIGNO, ESQ.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 1/4, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

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

IN THE MATTER	:	MODIFICATION/
OF	:	SURRENDER ORDER
JOSEPH AARON, M.D.	:	BPMC #

Upon the application of JOSEPH AARON, M.D., (Respondent) to modify a prior order and to surrender his license as a physician in the State of New York, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are adopted; it is further

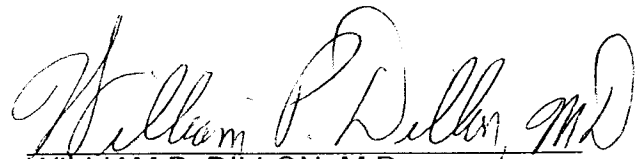
ORDERED, that Order BPMC 93 -40 is modified to replace the sanction imposed with the surrender of Respondent's license to practice medicine in the State of New York; it is further

ORDERED, that Respondent's name shall be stricken from the roll of physicians in the State of New York; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED

Dated: 1/6/99



WILLIAM P. DILLON, M.D.

Chairperson

State Board for Professional Medical Conduct

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

-----X
IN THE MATTER

OF

JOSEPH NORMAN AARON, M.D.
-----X

: DETERMINATION

: AND

: ORDER

-----X
ORDER NO. BPMC-93-40

A Notice of Hearing and Statement of Charges, both dated September 15, 1992, were served upon the Respondent, Joseph Norman Aaron, M.D. **REV. EDWARD J. HAYES (Chair), ARTHUR H. DUBE, M.D., and GERALD J. HAUSLER, D.O.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. A hearing was held on November 18, 1992. The Department of Health appeared by E. Marta Sachey, Esq., Associate Counsel. The Respondent did not appear personally and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law

Exhibit 1

Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Joseph Norman Aaron, M.D. (hereinafter "Respondent"), was authorized to practice medicine in New York State on December 12, 1952, by the issuance of license number 072800 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. (Pet. Ex. #3).

2. The State of Utah Division of Occupational and Professional Licensing of the Department of Commerce, after issuance of a Notice of Agency Action and Petition, dated April 4, 1990, and approval of a Stipulation and Order, dated May 31, 1990, imposed disciplinary action upon Respondent. (Pet. Ex. #4).

3. The Division of Occupational and Professional Licensing revoked Respondent's controlled substance license and stayed the revocation in favor of Respondent: (a) voluntarily surrendering his controlled substance license, (b) continuing with his voluntary retirement from the active practice of medicine, and (c) agreeing to submit a practice plan for review and approval prior to the commencement of the active practice of medicine or application for a controlled substance license. (Pet. Ex. #4).

4. The conduct underlying the disciplinary action imposed upon Respondent consisted of a long-standing addiction to Dextroamphetamine, a Schedule II controlled substance, as well as the use of his wife's name on thirty-two prescription forms during the period of September 11, 1987 through August 10, 1989 in order to obtain Dextroamphetamine for his own use. Respondent's conduct was in violation of Utah Code Ann. Sections 58-12-36(15) and Section 58-37-8(4)(a). (Pet. Ex. #4).

5. Respondent submitted a letter to the Administrative Officer, dated September 25, 1992, in which he stated that he has never been engaged in the practice of medicine in New York and had no intention to do so in the future. (Resp. Ex. A).

6. Attached to Respondent's September 25, 1992 letter was a copy of Respondent's submission in the Utah disciplinary proceeding. In this document, Respondent states that Dextroamphetamine was originally prescribed for him in 1952 while undergoing psychiatric treatment for depression. He stated that he has neither taken nor prescribed Dextroamphetamine since August, 1989. Respondent further stated that he retired from the practice of medicine in May, 1988 after thirty years of active practice in dermatology. He had maintained his license and his professional corporation, which is the custodian for his retirement fund. (Resp. Ex. A).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the Department had sustained its burden of proof. The preponderance of the evidence demonstrates that the Utah Division of Occupational and Professional Licensing imposed disciplinary action upon Respondent, following a Notice of Agency Action and Petition. In accordance with a Stipulation and Order executed by the Respondent and the Division of Occupational and Professional Licensing, Respondent's controlled substance license was revoked, with the revocation stayed and certain conditions applied. The conduct underlying the disciplinary action was Respondent's long-standing addiction to

Dextroamphetamine, and his use of his wife's name to obtain the drug for his own use.

The Hearing Committee further concluded that Respondent's conduct would constitute professional misconduct pursuant to Education Law Section 6530, had the conduct occurred in New York. More specifically, Respondent's conduct would constitute practicing the profession fraudulently, in violation of Education Law Section 6530(2), as well as being dependent on amphetamines, in violation of Education Law Section 6530(8).

Based upon the above, the Hearing Committee concluded that the Specification of professional misconduct contained within the Statement of Charges should be sustained.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that no penalty should be imposed upon Respondent . However, in the event that Respondent should ever decide to begin the practice of medicine in New York State, a two-year period of probation shall be imposed. The complete terms of probation are attached to this Determination and Order in Appendix II. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

Respondent's misconduct was caused by his dependence on Dextroamphetamine and his writing of fraudulent prescriptions in order to obtain the drug. Although the violations are serious, there was no allegation or evidence of any harm to patients because of his actions. Typically, a case such as this could be handled through a voluntary temporary surrender, combined with suitable rehabilitation and monitoring. However, Respondent has never engaged in the active practice of medicine in New York nor does he have an intention to do so in the future. The record established that Respondent, who is approximately sixty-six years old, has been retired from the practice of medicine since May, 1988. It was the unanimous consensus of the Hearing Committee that the risk of harm to the public is sufficiently low as to preclude the necessity of any sanction in this case. However, in the event that Respondent should decide to practice in New York, the period of probation will allow sufficient opportunity for the Department to monitor Respondent's recovery from his drug dependence.

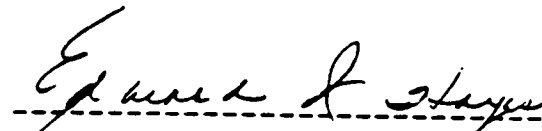
ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specification of professional misconduct contained in the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED**, and

2. No additional sanction is imposed upon Respondent. In the event that Respondent intends to engage in the practice of medicine in New York State, a two-year period of probation shall be imposed upon Respondent, in accordance with the terms of probation contained in Appendix II which is attached to this Determination and Order and incorporated herein.

DATED: Albany, New York
March 19, 1993



REV. EDWARD J. HAYES (Chair)

ARTHUR H. DUBE, M.D.
GERALD J. HAUSLER, M.D.

TO: E. Marta Sachey, Esq.
Associate Counsel
New York State Department of Health
Room 2429 - Corning Tower Building
Empire State Plaza
Albany, New York 12237

Joseph Norman Aaron, M.D.
2803 North 700 East
Provo, Utah 84604

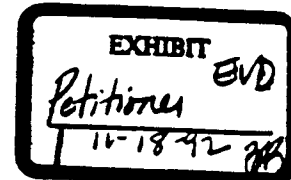
APPENDIX I

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

-----X
IN THE MATTER :
OF :
JOSEPH NORMAN AARON, M.D. :
-----X

NOTICE OF
REFERRAL
PROCEEDING

TO: JOSEPH NORMAN AARON, M.D.
2803 North 700 East
Provo, Utah 84604



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1992) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1992). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of November, 1992 at 11:00 o'clock in the forenoon of that day at the Corning Tower Building, Empire State Plaza, 25th Floor, Conference Room 2509, Albany, New York 12237.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to Larry Storch, Administrative Law Judge, New York State Department of Health, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, as well as the Department of Health attorney indicated below, on or before November 9, 1992 .

You may file a written answer, brief, and affidavits with the Committee. Seven copies of all papers you wish to submit must be filed with Judge Storch at the address indicated above on or before November 9, 1992 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State

Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Judge Storch at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE
TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR
IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE

URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN
THIS MATTER.

DATED: Albany, New York
September 15, 1992

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

E. Marta Sachey
Associate Counsel
Division of Legal Affairs
Bureau of Professional Medical Conduct
Room 2429
Corning Tower Building
Empire State Plaza
Albany, New York 12237
(518) 474-8266

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOSEPH NORMAN AARON, M.D. : CHARGES

-----X

JOSEPH NORMAN AARON, M.D., the Respondent, was authorized to practice medicine in New York State on December 12, 1952, by the issuance of license number 072800 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

1. The State of Utah Division of Occupational and Professional Licensing of the Department of Commerce, after issuance of a Notice of Agency Action and Petition, dated April 4, 1990, and by approval of a Stipulation and by Order, dated May 31, 1990, imposed disciplinary action upon Respondent.
2. The Division of Occupational and Professional Licensing, inter alia, revoked Respondent's controlled substance license and stayed the revocation in favor of Respondent (a) voluntarily surrendering his controlled substance license


(b) continuing with his voluntary retirement from the active practice of medicine and (c) agreeing to submit a practice plan for review and approval prior to the commencement of the active practice of medicine or application for a controlled substance license.

3. The conduct underlying the disciplinary action imposed upon Respondent consisted of, inter alia, dependence on Dextroamphetamine, a Scheduled II controlled substance, since the 1950's and use of the drug to satisfy addiction, and use of his wife's name on thirty-two prescription forms during the period of September 11 1987 through August 10, 1989 in order to obtain Dextroamphetamine for self use in violation of, inter alia, Utah Code Ann. §58-12-36(15) and §58-37-8(4)(a).
4. The conduct underlying the disciplinary action imposed upon Respondent by the Utah Division of Occupational and Professional Licensing, would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(2) [practicing the profession fraudulently] and/or §6530(8) [being dependent on amphetamines] and/or §6530(20) [conduct in the practice of medicine which evidences moral unfitness to practice medicine] (McKinney Supp. 1992).

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1992) by reason of his having disciplinary action taken by a duly authorized professional disciplinary agency of another 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 State in that Petitioner charges the facts in Paragraphs 1 through 4.

DATED: Albany, New York
September 15, 1992


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

APPENDIX II

APPENDIX II
TERMS OF PROBATION

1. Dr. Aaron shall notify the Office of Professional Medical Conduct, in writing, at least sixty (60) days prior to commencing the active practice of medicine in New York State.
2. Dr. Aaron shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession.
3. Dr. Aaron shall remain drug and alcohol free.
4. Dr. Aaron shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.
5. Dr. Aaron shall submit prompt written notification to the Board addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Corning Tower Building, Room 438, Albany, New York 12237, regarding any change in employment, practice, residence or telephone number, within or without New York State.
6. In the event that Dr. Aaron leaves New York to reside or practice outside the State, Dr. Aaron shall notify the Director of the Office of Professional Medical Conduct in writing at the address indicated above, by registered or certified mail, return receipt requested, of the dates of his departure and return. Periods of residency or practice outside New York shall toll the probationary period, which shall be extended by the length of residency or practice outside New York.
7. Dr. Aaron shall have quarterly meetings with an employee or designee of the Office of

Professional Medical Conduct during the period of probation. During these quarterly meetings Dr. Aaron's professional performance may be reviewed by having a random selection of office records, patient records and hospital charts reviewed.

8. Dr. Aaron shall maintain a legible written record of all controlled substances which he prescribes, dispenses or administers. This record shall indicate the name of the patient, the drug prescribed, dispensed or administered, including the amount, strength and directions for use and the date on which the controlled substance was prescribed, dispensed or administered. This written record shall be distinct from, and in addition to, Dr. Aaron's medical records for his patients.

9. Dr. Aaron shall have quarterly meetings with a monitoring physician who shall review Dr. Aaron's practice. The monitoring physician shall be selected by Dr. Aaron and subject to the approval of the Office of Professional Medical Conduct. This monitoring physician shall review randomly selected medical records and evaluate whether Dr. Aaron's medical care comports with generally accepted standards of medical practice, with an emphasis on Dr. Aaron's use of controlled substances. Dr. Aaron shall not practice medicine in New York State until an acceptable monitoring physician is approved by the Office of Professional Medical Conduct.

10. The monitoring physician shall monitor Dr. Aaron's compliance with the terms of probation imposed herein and shall cause to be performed, at least bi-monthly, unannounced, supervised blood and/or urine tests for the presence of alcohol or drugs in Petitioner.

11. The monitoring physician shall immediately notify the Office of Professional Medical Conduct if Dr. Aaron refuses such a test.

12. If such a test reveals, or the monitoring physician otherwise learns that Dr. Aaron is not drug and alcohol free, the monitoring physician shall immediately notify the Office of Professional Medical Conduct.

13. Dr. Aaron shall submit quarterly declarations, under penalty of perjury, stating whether or not there has been compliance with all terms of probation and, if not, the specifics of such non-compliance. These shall be sent to the Director of the Office of Professional Medical Conduct at the address indicated above.

14. Dr. Aaron shall submit written proof to the Director of the Office of Professional Medical Conduct at the address indicated above that he has paid all registration fees due and is currently registered to practice medicine with the New York State Education Department. If Dr. Aaron elects not to practice medicine in New York State, then he shall submit written proof that he has notified the New York State Education Department of that fact.

15. If there is full compliance with every term set forth herein, Dr. Aaron may practice as a physician in New York State in accordance with the terms of probation; provided, however, that upon receipt of evidence of non-compliance or any other violation of the terms of probation, a violation of probation proceeding and/or such other proceedings as may be warranted, may be initiated against Dr. Aaron pursuant to New York Public Health Law Section 230(19) or any other applicable laws.