



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.

Chair

Ansel R. Marks, M.D., J.D.

Executive Secretary

May 4, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James Hamill, RPA
605 Sylvan Avenue
Bayport, New York 11705

RE: License No. 000532

Dear Mr. Hamill:

Enclosed please find Order #BPMC 98-77 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 11, 1998**.

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.

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: Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
JAMES HAMILL, R.P.A.

SURRENDER
OF
REGISTRATION
AND LICENSE

BPMC #98-77

STATE OF NEW YORK)
COUNTY OF) ss.:

JAMES HAMILL, R.P.A., being duly sworn, deposes and says:

On or about September 1, 1976, I was authorized to practice as a physician's assistant in the State of New York having been issued Registration No. 000532 by the New York State Education Department.

My current address is 605 Sylvan Avenue, Bayport, N.Y. 11705 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with three specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my Registration as a physician's assistant in the State of New York on the grounds that I admit the three specifications in full satisfaction of the Statement of Charges.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physician's assistants 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 value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

James Hamill
JAMES HAMILL, R.P.A.
RESPONDENT

Sworn to before me this

20th day of April, 1998

Carol Ann Track
NOTARY PUBLIC

CAROL ANN TRACK
Notary Public, State of New York
No. 4870070
Qualified in Suffolk County
Commission Expires Dec. 22, 98

The undersigned agree to the attached application of the Respondent to surrender his registration as a physician's assistant.

Date: 4-20-98

I waive the right to an attorney at present

Esq. *J. Hamill*
Attorney for Respondent 4-20-98

Date: 4-21-98

Marcia E. Kaplan

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 4-24-98

Anne Saile

ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
JAMES HAMILL, R.P.A.

SURRENDER
ORDER

Upon the proposed agreement of JAMES HAMILL, R.P.A. (Respondent) to Surrender his registration and license as a physician assistant in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

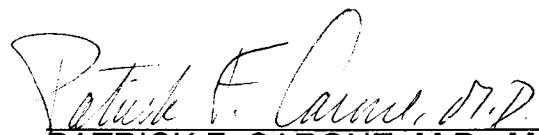
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physician assistants in the State of New York; 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: 4/28/1998


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
JAMES HAMILL, R.P.A.

STATEMENT
OF
CHARGES

JAMES HAMILL, R.P.A., the Respondent, was authorized to practice as a physician's assistant in New York State on or about September 1, 1976, by the issuance of Registration Number 000532 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 14, 1997, Respondent was convicted, upon a guilty plea, in the County Court, Suffolk County, of Operating a Motor Vehicle While Under the Influence of Alcohol, an E felony, in violation of New York Criminal Procedure Law Sec.195.20, in that on or about November 13, 1996, in Suffolk County, Respondent unlawfully operated and drove a motor vehicle while he had .10 of one percentum or more by weight of alcohol in his blood as shown by chemical analysis. On or about June 16, 1997, Respondent was sentenced to probation for 5 years, subject to special alcohol and narcotic conditions, and the condition that he not be allowed to apply for or possess a driver's license without permission. He was required to participate in the Ignition Interlock Program, when eligible, and his license and privilege to drive was revoked for one year. He was assessed a mandatory surcharge of \$155 and a fine of \$1000.

EXHIBIT "A"

- B. On or about May 6, 1996, Respondent was convicted in the District Court, Suffolk County, of Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs, a misdemeanor, in violation of N.Y. Vehicle and Traffic Law Sec. 1192.2, in that on or about September 7, 1995, Respondent operated a motor vehicle on a public highway in Suffolk County while intoxicated and had .10 of one percentum or more by weight of alcohol in his blood as shown by chemical analysis. On or about July 2, 1996, Respondent was sentenced to a \$590 fine and 3 years of probation.
- C. On or about August 28, 1987, Respondent was convicted in the District Court, County of Suffolk, upon a guilty plea, of Driving While Intoxicated, in violation of N.Y. Vehicle and Traffic Law Sec. 1192.2, a misdemeanor, in that on or about November 15, 1986, Respondent operated a motor vehicle in Suffolk County in an intoxicated condition. Respondent was sentenced to a \$350 fine and a \$10 mandatory surcharge, and his license was revoked.

SPECIFICATION OF CHARGES
FIRST THROUGH THIRD SPECIFICATIONS
CRIMINAL CONVICTION (N.Y.S.)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(i)(McKinney Supp. 1998) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. Paragraph A.
2. Paragraph B.
3. Paragraph C.

DATED: March 5, 1998
New York, New York

A handwritten signature in black ink, appearing to read 'R. Nemerson', written over a horizontal line.

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct