



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

03-208

March 21, 2003

James B. Hamill
Registered Physician Assistant
605 Sylvan Avenue
Bayport, New York 11705

Re: Application for Restoration

Dear Mr. Hamill:


Enclosed please find the Commissioner's Order regarding Case No. CP-03-01 which is in reference to Calendar No. 19692. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

Gustave Martine
Supervisor

cc:

The
University of the
Education  State of New York
Department

IN THE MATTER

of the

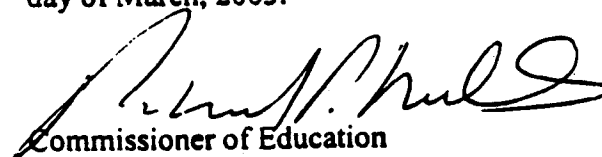
Application of JAMES B. HAMILL
for restoration of his license to
practice as a registered physician
assistant in the State of New York.

Case No. CP-03-01

It appearing that the license of JAMES B. HAMILL, 605 Sylvan Avenue, Bayport, New York 11705, to practice as a registered physician assistant in the State of New York, was surrendered upon order of the State Board for Professional Medical Conduct effective May 11, 1998, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on February 11, 2003, it is hereby

ORDERED that the petition for restoration of License No. 000532, authorizing JAMES B. HAMILL to practice as a registered physician assistant in the State of New York, is denied, but that the execution of the order of surrender of said license is stayed, and said JAMES B. HAMILL is placed on probation for a period of five years under specified terms and conditions and upon successful completion of this probationary period, his license to practice as a registered physician assistant in the State of New York shall be fully restored.

IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New York for
and on behalf of the State Education Department, do
hereunto set my hand and affix the seal of the State
Education Department, at the City of Albany, this 1
day of March, 2003.


Commissioner of Education

Case No. CP-03-01

It appearing that the license of JAMES B. HAMILL, 605 Sylvan Avenue, Bayport, New York 11705, to practice as a registered physician assistant in the State of New York, having been surrendered upon order of the State Board for Professional Medical Conduct effective May 11, 1998, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on February 11, 2003, it was

VOTED that the petition for restoration of License No. 000532, authorizing JAMES B. HAMILL to practice as a registered physician assistant in the State of New York, be denied, but that the order of revocation of said license shall be stayed, and said JAMES B. HAMILL shall be placed on probation for a period of five years under specified terms and conditions and upon the successful completion of this probationary period, his license to practice as a registered physician assistant in the State of New York shall be fully restored.

Case number
CP-03-01
January 13, 2003

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Registered Physician Assistant License

Re: James B. Hamill

Not Represented by an Attorney

James B. Hamill, 605 Sylvan Avenue, Bayport, NY 11705, petitioned for restoration of his registered physician assistant license. The chronology of events is as follows:

- 09/01/76 Issued license number 000532 to practice as a registered physician assistant in New York State.
- 03/05/98 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 04/20/98 Submitted application for Surrender of Registration and License to Department of Health.
- 05/11/98 Effective date of surrender of license.
- 05/11/01 Submitted application for restoration.
- 05/21/02 Peer Committee restoration review.
- 11/09/02 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 12/19/02 Committee on the Professions restoration review.
- 01/13/03 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached disciplinary documents.) On April 20, 1998, Mr. Hamill submitted an application to surrender his license and registration to the Department of Health. He had been charged with professional misconduct based on his commission of an act constituting a crime under New York State law. It was alleged that

on or about April 14, 1997, Mr. Hamill pled guilty to the charge of Operating a Motor Vehicle While Under the Influence of Alcohol, a class E felony. It was also alleged that on or about May 6, 1996, he was convicted of Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs, a misdemeanor. Lastly, the charges stated that on or about August 28, 1987, Mr. Hamill pled guilty to the charge of Driving While Intoxicated, a misdemeanor. In his surrender application, Mr. Hamill admitted guilt to the three specifications of professional misconduct. The surrender of Mr. Hamill's license was effective May 11, 1998.

Mr. Hamill submitted an application for restoration of his license on May 11, 2001.

Recommendation of the Peer Committee. (See attached "Report of the Peer Committee.") The Peer Committee (Diamond; Cordice, Jr.; Norris) met with Mr. Hamill on May 21, 2002 to review his application for restoration. In its report, dated November 9, 2002, the Committee recommended that the order of surrender be stayed and that Mr. Hamill be placed on probation for two years under specified terms and conditions, attached to its report and labeled Exhibit "A." The Committee recommended that Mr. Hamill, during the probationary period, continue to participate in and follow the protocols of his treatment provided by the Committee for Physician's Health and limit his combined working hours as a registered physician assistant and as a registered professional nurse to forty hours a week.

Recommendation of the Committee on the Professions. On December 19, 2002, the Committee on the Professions (Duncan-Poitier, Muñoz, Porter) met with Mr. Hamill to review his application for restoration. An attorney did not accompany him.

The Committee asked Mr. Hamill to explain why he lost his license and why he felt it should be restored. He replied, "I'm an alcoholic. I've been an alcoholic all my life." He reported that he was the oldest of five siblings and that each has an alcoholic problem. He said that one brother killed himself. Mr. Hamill indicated that after working as a registered professional nurse for one year, he enrolled in a physician assistant program. He indicated that he was employed by the Office of Mental Health (OMH) and worked in a psychiatric hospital for 26 years before it was closed. He said that he was the only physician assistant in that part of the state who worked for OMH and became a team leader. Mr. Hamill said that he continued to work for OMH after the hospital was closed, moving into the areas of community service and psychiatry. He told the Committee that during this entire period, he drank on a daily basis and indicated that beer was his beverage of choice. He said, "I thought it was controlled."

Mr. Hamill indicated that during his 30's, he realized his drinking was problematic. He reported that he was convicted of DWI on the first occasion when he was 36 and found that he was having increasing difficulties at home with his wife and daughter. Nine years later, he reported that he was convicted of DWI a second time. Prior to that conviction he indicated that OMH had transferred him to another hospital, but that subsequently his "item was cut," and he was put back on a nursing line. As a result, Mr. Hamill told the Committee that he obtained a second job at a Veterans Administration Hospital. He said that his alcoholism progressed and he was convicted of

DWI for a third time. He stated that he had tried rehabilitation several times, but "still did not get it." While serving his jail sentence, Mr. Hamill reported that he was placed in a special program run by the Department of Corrections. He said, "There I really began to address my alcoholism. I was told that Alcoholics Anonymous (AA) was the way." Mr. Hamill said that at the time "I needed a drink to feel normal. I couldn't conceive what AA would be like."

Looking back, Mr. Hamill told the Committee that he realized he needed to hit bottom before he could come to grips with his alcoholism and start his rehabilitation. He said that he has been sober since May 1, 1998. He indicated that he now has a different attitude toward life in general and that he appreciates work more. He said that he works with chronically mental ill patients and can bring a portion of himself into his relationships with those patients. Mr. Hamill reported that he runs group sessions and feels "really good about what I do."

The Committee asked Mr. Hamill if he felt there was anything that could prevent him from continuing to participate in AA. He replied, "If I become lazy and complacent. I need to stay connected to AA wherever I am. I realize I must work on my addiction." Mr. Hamill said that he contacted the State Education Department's Professional Assistance Program (PAP) in 1998 and surrendered his registered professional nursing (RN) license. PAP restored that license in 2002 and he currently practices as a RN. The Committee asked Mr. Hamill if he harmed any patients. He said that his judgment was definitely impaired by his alcoholism but that he did not believe any patients were physically harmed. He reported that he "drank after work." He stated that if he relapsed, he hoped he would have enough insight to contact PAP and surrender his license. He indicated that he was "literally dying" and felt that it was a miracle that he has turned his life around and might possibly get his license back. As part of his rehabilitation with the Committee for Physician's Health, he indicated that he has been visiting schools and physician assistant programs to discuss with the students what happened to him and to share the insights he has acquired. Mr. Hamill said that once he became sober, everything became easier and seemed more reasonable. He indicated that he now considers conditions that he might have thought of as unreasonable in the past as "just part of the deal." As an example, he said that he thought nothing of the fact that he had to ride a bicycle for two to three miles for his urine testing as he no longer had a driver's license. Mr. Hamill indicated that he feels he now has the necessary support system in place and wants to continue helping people as a physician assistant.

The overarching concern in all restoration cases is public protection. Section 6511 of the Education Law gives the Board of Regents discretionary authority to make the final decision regarding applications for the restoration of a license to practice as a registered physician assistant in New York State. Section 24.7(2) of the Rules of the Board of Regents charges the Committee on the Professions (COP) with submitting a recommendation to the Board of Regents on restoration applications. Although not mandated in law or regulation, the Board of Regents has instituted a process whereby a Peer Committee meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct so serious that it resulted in the loss of licensure.

There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a recommendation based upon the entire record.

The COP concurs with the Peer Committee that Mr. Hamill has presented a compelling case for the restoration of his license and also cites that the Department of Health does not oppose the restoration. As noted by the Peer Committee, Mr. Hamill continues to make diligent efforts at his recovery through his involvement with the Committee on Physician's Health and Alcoholics Anonymous. He willingly participated in recovery programs, including the Professional Assistance Program. An updated psychological report indicates that Mr. Hamill continues to recover successfully. The COP found that Mr. Hamill demonstrated remorse for his misconduct and the potential danger in which he placed his patients. He demonstrated an understanding of the underlying cause of his misconduct, alcoholism, and an appreciation of the seriousness of his DWI convictions. The COP notes that PAP restored his registered professional nurse license in 2000 and that he has been practicing as a RN without incident. Mr. Hamill continues to participate in urine screenings and has been in recovery since 1998. However, because of his long history of alcoholism, the COP recommends a probationary period of five years rather than the two years recommended by the Peer Committee.

Therefore, after a careful review of the record and its meeting with him, the Committee on the Professions voted unanimously to recommend that the order of surrender of Mr. Hamill's registered physician assistant license be stayed for five years, that he be placed on probation for five years under specified terms and conditions, attached to the Report of the Peer Committee and labeled as Exhibit "A," and that upon successful completion of the probationary period, his license should be fully restored.

Johanna Duncan-Poitier, Chair

Frank Muñoz

Joseph B. Porter

EXHIBIT "A"

TERMS OF PROBATION
OF THE PEER COMMITTEE

JAMES B. HAMILL

CALENDAR NO. 19692

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower, Room 438, Empire State Plaza, Albany, NY 12237, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. The applicant shall, during the period of probation, remain alcohol free;
4. The applicant shall continue, during the period of probation, to participate in and follow the protocols of his treatment provided by the Committee for Physician's Health (CPH) of the New York State Medical Society. Applicant shall submit or cause to be submitted, once every three months during the period of probation, a written report from CPH, signed by an authorized person from CPH, in which said authorized person shall state that the applicant is in compliance with the protocols, remains fit to practice and whether the presence of any alcohol has been detected in the applicant. In the event any alcohol is detected, the applicant shall submit a sworn affidavit explaining the use of said alcohol, as well as any other papers applicant wished to submit in that regard. The said reports and affidavits, as well as any other papers, shall be forwarded to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid. If any information is received by the New York State Department of Health indicating that applicant is not alcohol-free and/or not fit to practice as a registered physician's assistant, such information shall be processed to the Board of Professional Medical Conduct in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to

JAMES B. HAMILL (19692)

the Public Health Law, Education Law, and/or Rules of the Board of Regents;

5. During the period of probation, the applicant shall limit his combined working hours in both professions for which he is licensed -- registered physician's assistant and registered professional nurse -- to forty hours a week;
6. That applicant shall have quarterly performance reports submitted to the New York State Department of Health (DOH), addressed to the Director, Office of Professional Medical Conduct, as aforesaid, from his employer, evaluating his performance as a registered physician's assistant in his place of employment, said reports to be prepared by applicant's supervisor or employer;
7. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
8. That applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;
9. That applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
10. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding.



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X

In the Matter of the Application of

JAMES B. HAMILL

**REPORT OF
THE PEER
COMMITTEE
CAL. NO. 19692**

for the restoration of his license to practice as a registered physician's assistant in the State of New York.

-----X

JAMES B. HAMILL, hereinafter known as the applicant, was previously licensed to practice as a registered physician's assistant in the State of New York by the New York State Education Department. Said license was surrendered by the applicant in disposition of a professional misconduct proceeding. The applicant has applied for restoration of his license.

On May 21, 2002 this Peer Committee convened to review this matter and make the following recommendation to the Committee on the Professions and the Board of Regents.

BACKGROUND INFORMATION

The written application, supporting papers provided by the applicant and papers resulting from the investigation conducted

JAMES B. HAMILL (19692)

by the Office of Professional Discipline (OPD) have been compiled by the prosecutor from OPD into a packet that has been distributed to this Peer Committee in advance of its meeting and also provided to the applicant.

Listed below is the background information from that packet. Further details pertaining to these documents may be found therein.

PRIOR DISCIPLINE PROCEEDINGS

Action by the State Board for Professional Misconduct

- April 20, 1998 - The applicant executed an Application to Surrender his license to practice as a registered physician's assistant in the State of New York, in disposition of a professional misconduct proceeding before the State Board for Professional Medical Misconduct, New York State Department of Health. In the application, the applicant admitted to three specifications of professional misconduct in satisfaction of the Statement of Charges in the proceeding.
- May 11, 1998 - Order of the Board of Professional Medical Misconduct enforcing the professional misconduct determination becomes effective.
- Specifications of misconduct - The applicant was found guilty of three separate specifications of having been convicted of committing an act constituting a crime under New York State Law.

JAMES B. HAMILL (19692)

• Convictions upon which specifications are based:

• April 14, 1997:

- The applicant pled guilty in County Court, Suffolk County, of Operating a Motor Vehicle While Under the Influence of Alcohol, an E felony.
- Sentenced to five years probation, subject to special alcohol and narcotic conditions; that he not be allowed to apply for or possess a driver's license without permission; that he participate in the Ignition Interlock Program when eligible; and privilege to drive revoked for one year.

• May 6, 1996:

- Convicted in District Court, Suffolk County of Operating a Motor Vehicle While Under the Influence of Alcohol and Drugs, a misdemeanor.
- Sentenced on July 2, 1996 to a \$590 fine and three years probation.

• August 28, 1997:

- Convicted in District Court, County of Suffolk, of Driving While intoxicated, a misdemeanor.

JAMES B. HAMILL (19692)

- Sentenced to \$350 fine and a revocation of his driver's license.

APPLICATION FOR RESTORATION

On May 11, 2001, the applicant executed the State Education Department's standard form for applying for restoration of licensure. The application contained information and attachments as referred to, below:

Continuing education credits: (Application Part C, Entry 1) Lists over 100 credit hours of classes attended and 82 hours of correspondence courses.

Current employment: (Application Part C, Entry 2) Works as a Nurse 2 Psychiatric for Pilgrim Psychiatric Center at Patchogue Geriatric Center. Works with a Mobil Outreach Team, as described in the application, with an extensive caseload and responsibilities concerning the psychiatric care of homebound patients.

Rehabilitation courses and programs (as described in Application Part C, Entry 3). Describes how, as a result of his three convictions -- in addition to losing his R.P.A. license -- of having lost privileges to practice as a registered professional nurse, through the Professional Assistance Program (PAP), as described subsequently in the record of this proceeding; of having completed two outpatient rehabilitation courses; and of having extensive involvement in Alcoholics Anonymous.

JAMES B. HAMILL (19692)

Community Service (as listed in Application Part D) Lists various organizations which he has served, particularly through public speaking appearances on the subject of substance abuse rehabilitation.

Professional Assistance Program (See Application Part G). The applicant participated in PAP of the Stated Education Department, through which he surrendered his R.N. license in December 1998. The license was restored after a review in February, 2000 (the applicant in the application appears to mistakenly state February, 1999), subject to conditions. In conjunction with his PAP participation, the applicant attended Crossings Recovery Center, Patchogue, NY for treatment and for random monitoring which continues to date. The administering of the monitoring is through the Committee for Physician's Health of the New York State Medical Society (CPH), which receives the reports.

Affidavits of support. The application includes five sworn affidavits of support, including three from physicians, attesting to knowledge of the applicant's successful participation in alcohol rehabilitation programs and his commitment to participation in Alcoholics Anonymous.

Treatment reports submitted by the applicant:

- Report from Clinical Care Associates: The report is a psychological evaluation of the applicant, dated April 24, 2002, less than one month prior to this

JAMES B. HAMILL (19692)

instant Peer Committee's meeting. The report includes the following information:

- The applicant has had a severe alcohol abuse problem since he was a teenager.
- The applicant stated he never was impaired while practicing professionally, but drank off-hours.
- The applicant has a family history of alcohol abuse, including five full siblings in recovery and his mother who still drinks.
- He has been in recovery for four years, last drinking on April 30, 1998.
- He is active in Alcoholics Anonymous.
- He has a long history of recovery attempts, including South Oaks Hospital beginning in 1995 and Saint Joseph's at Saranac Lake in early 1997.
- Under a concluding section entitled Clinical Recommendations, the report lists: "1) Continue in Alcoholics Anonymous, home group and sponsor; 2) Comply with all protocols for the Committee for Physician's Health mandates; 3) Continue with all procedures to restore PA license."

JAMES B. HAMILL (19692)

- Correspondence dated February 10, 2000 from Crossings Recovery Center to PAP:
 - Determination made of successful treatment and that the applicant can be successfully discharged from PAP.
- March 28, 2001 letter to applicant from PAP, pronouncing him discharged from the program.
- 1997 report from St. Joseph's Rehabilitation Center, Inc. Report made prior to the applicant's latest successful recovery efforts indicating the applicant's continued problems at that time with alcohol abuse.

Continuing Education: The applicant has submitted with his application a packet of CE certificates and transcripts as well as copies of covers of journals he has read.

August 27, 2001 letter from the Director, Office of Professional Medical Conduct, New York State Department of Health: The letter recommends that any restoration of licensure be accompanied by at least five years probation, to include employer monitoring.

PEER COMMITTEE MEETING

On May 21, 2002, this Peer Committee met to consider this matter. The applicant appeared before us personally and was not

JAMES B. HAMILL (19692)

represented by an attorney. Also present was Ihenji Young, Esq., an attorney from the Division of Prosecutions, OPD.

In his direct presentation to the Committee, the applicant declared he was an alcoholic who was in recovery for four years and twenty-one days as of today. He described his current employment as a psychiatric nurse, much as stated in the advance papers.

He said he had drunk every day of his adult life until his recovery. He recounted much of the history related in the papers. He noted he violated his criminal probation in February 1998 resulting in his going to jail. His time in jail resulted in his realizing the extent of his disease and started the process of his recovery.

The applicant described his deep involvement in Alcoholics Anonymous and his related activities as a public speaker. He told much of what was stated in the papers, including his resumption of employment for the State as a psychiatric nurse; his participation in the Interlock Ignition program; and his continued association and monitoring by Crossings in Patchogue, now called Clinical Care. The applicant currently has no restrictions on his license to practice as a registered professional nurse.

Our Committee noted that, in the application for restoration, the applicant had checked "no" in response to the question as to whether he has been convicted. The applicant said that was a

JAMES B. HAMILL (19692)

mistake, and in fact, he sent in papers concerning the convictions when he filed the application.

The applicant responded to questions about the personal family history stated in the papers. He continues to have issues in his relationship with his mother, who still drinks. One of his siblings had committed suicide, complicating those relationships. He has an improving relation with his wife, with whom he has been separated for twelve years. He has been trying to re-establish a relationship with his oldest daughter, who was in high school by the time he began his recovery and bore the brunt of many of the problems caused by the applicant's alcoholism.

When asked, the applicant felt that the only stumbling block to his continued recovery would be if he stopped going to Alcoholics Anonymous. He placed his participation as the centerpiece of his recovery.

The applicant called as a witness S.N., who is a caseworker for CPH. The witness testified to the applicant's ongoing recovery. She described his successful completion of treatment at Crossings; the continued testing and monitoring of his sobriety as overseen by CPH; the applicant's activities with, including his public speaking for, Alcoholics Anonymous; and the sending into CPH the logs of the applicant's attendance at Alcoholics Anonymous meetings. The witness stated that, regardless of whether he gets his license back, CPH will continue to test for and monitor the

JAMES B. HAMILL (19692)

applicant's sobriety, and if he gets his license back, CPH would arrange on-site monitoring of his professional practice.

While the witness felt the applicant could eventually practice unrestricted, she recommended that, initially, he not be subjected to lengthy working hours, but that they be limited to forty hours a week, particularly to assure time for the applicant's recovery related activities and meetings.

The witness, when asked whether the applicant was complying with the protocol and could get his license back, stated:

We see people who are looking like they are complying with the program and people who are truly recovering. I can tell you with clinical certainty that Mr. Hamill is recovering. The fact that he has complied with the protocol is because his recovery is good. I believe he is in recovery and that he is living by the principles of AA twelve-steps, of wanting to do the right thing, for the right reasons, and not just for a license; to live a life and to be sober.

Ms. Young, the OPD prosecutor, did not take a formal position on the application, asking us to examine the record and use our discretion. She did state that, if the applicant's license is restored, she agrees with the recommendation of the Department of Health, which recommended continued monitoring, including employer monitoring.

RECOMMENDATION

After reviewing the entire record in this matter, including the packet and the proceedings in person before us, it is our recommendation that the applicant's license be restored, but that the applicant be placed on probation subject to certain terms and

JAMES B. HAMILL (19692)

conditions, to include his continued participation with CPH; quarterly reports from CPH concluding that he remains alcohol free and fit to practice; a limitation of his total working hours for both of his professional licenses combined to forty hours a week; and quarterly reports from his employer.

We base our conclusion that the respondent is suitable for restoration of his license as a physician's assistant on the following reasons:

- The applicant has been in sustained recovery for over four years from the alcoholism that was the underlying reason for his convictions and licensure surrender.
- The applicant is clearly remorseful over his past convictions and related alcohol problems.
- The applicant continues to make diligent efforts at his recovery through testing and other involvement with CPH and his passionate devotion to Alcoholics Anonymous.
- The applicant has an effective support system, including Alcoholics Anonymous, CPH, his ex-wife and his fellow employees.
- The applicant submitted an updated psychological report concluding he continues to recover successfully.

JAMES B. HAMILL (19692)

- The applicant was successfully discharged from the PAP program and is permitted to practice another licensed health profession, that of registered professional nurse, without restrictions. He continues to be employed at a demanding job as a psychiatric geriatric nurse.
- The applicant has taken extensive continuing education to remain updated in his field. In addition, the applicant has had continuous involvement in patient care through his employment as a registered professional nurse.
- While the applicant has proved himself worthy of licensure, it is our recommendation that his total working hours for both licenses be restricted at this time, both to limit the stress that might possibly trigger a relapse and to allow him time to participate in his recovery connected activities.

For the above reasons, it is our unanimous recommendation that execution of the surrender of the applicant's license to practice as a registered physician's assistant in the state of New York be stayed, and that the applicant then be placed on probation for two years under the terms and conditions of probation annexed hereto made a part hereof and marked as Exhibit "A." Upon successful completion of the probation, the applicant's license would be fully restored.

JAMES B. HAMILL (19692)

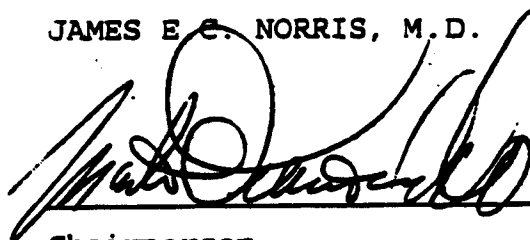
Respectfully submitted,

MARTIN DIAMOND, D.O.,

Chairperson

JOHN W.V. CORDICE, JR., M.D.

JAMES E. NORRIS, M.D.



A large, stylized handwritten signature in black ink, likely belonging to Martin Diamond, is written over a horizontal line. To the right of the signature, the date "11/9/02" is handwritten.

Chairperson

Dated