



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.
Chair

February 29, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Thomas Jay Hart, M.D.
P.O. Box 1909
Waterville, Maine 04903-1909

Re: NY License No. 125939

Dear Dr. Hart:

Effective Date: 03/07/96

Enclosed please find Order #BPMC 96-36 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles J. Vacanti, M.D.

Chair

Board for Professional Medical Conduct

Enclosure

cc: Timothy Mahar, Esq.

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

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IN THE MATTER :
OF : ORDER
THOMAS JAY HART, M.D. : BPMC #96-36

-----X

Upon the Application of THOMAS J. HART, M.D., to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

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 physicians 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: 26 February 1996



CHARLES J. VACANTI, 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 : APPLICATION TO
OF : SURRENDER
THOMAS JAY HART, M.D. : LICENSE

-----X

STATE OF MAINE)

ss.:

COUNTY OF KENNEBEC)

THOMAS JAY HART, M.D., being duly sworn, deposes and says:

On or about January 20, 1988, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 125939 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two 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 license as a physician in the State of New York.


I hereby please guilty to the two Specifications set forth in the Statement of Charges (Exhibit A).

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 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.


THOMAS JAY HART, M.D.
Respondent

Sworn to before me this
12 day of Feb, 1996


NOTARY PUBLIC

KATHLEEN A. COLE
Notary Public, Maine
My Commission Expires October 11, 2004

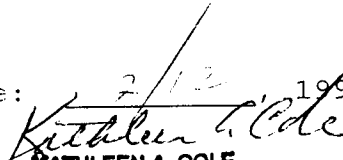
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT


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IN THE MATTER : APPLICATION TO
OF : SURRENDER
THOMAS JAY HART, M.D. : LICENSE

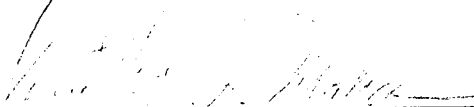
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The undersigned agree to the attached application of the Respondent to surrender his license.


Date: 2/13 1996

KATHLEEN A. COLE
Notary Public, Maine
My Commission Expires December 11, 2001


THOMAS JAY HART, M.D.
Respondent

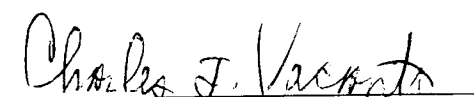
Date: Feb 15, 1996


TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Feb 20, 1996


ANNE F. SAILE
Acting Director, Office
of Professional Medical Conduct

Date: 26 February 1996


CHARLES J. VACANTI, 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 : STATEMENT
OF : OF
THOMAS JAY HART, M.D. : CHARGES

-----X

THOMAS JAY HART, M.D., the Respondent, was authorized to practice medicine in New York State on November 25, 1975, by the issuance of license number 125939 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. On or about January 30, 1988, Respondent entered into a consent agreement with the Board of Registration and Medicine for the State of Maine (Maine Board), which imposed the following discipline upon Respondent's Maine medical license:

- a. required Respondent to completely abstain from the use of alcohol, illicit drugs, and all drugs other than those prescribed by a physician knowledgeable as to Respondent's history of substance abuse and chemical dependency;
- b. required Respondent's weekly attendance at counseling sessions for chemical dependency;
- c. required Respondent to submit to weekly urinalysis for a two year period.

2. The conduct underlying the Maine Board's imposition of discipline upon Respondent's license included the following:

EXHIBIT A

- a. In March of 1987, it was reported to the Maine Board by the Maine Attorney General's Office that Respondent was addicted to amphetamines and opiates.
- b. By letter dated April 9, 1987, Respondent voluntarily surrendered his Maine medical license.
- c. On August 22, 1987, Respondent was discharged from a rehabilitation program for impaired health professionals.
- d. On January 30, 1988, the Maine Board restored Respondent's medical license and imposed the discipline recited in paragraph one above.

3. The conduct upon which the Maine Board took disciplinary action against Respondent's license would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(8) [being a habitual abuser of alcohol, or being dependent on or habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects] and/or §6530(9)(d) [voluntarily surrendering his medical license after disciplinary action was instituted by a duly authorized professional disciplinary agency of another state].

4. On June 16, 1995, Respondent, in the case of the State of Maine v. Thomas Jay Hart (Docket No. CR95-240), was convicted upon a plea of guilty of two counts of acquiring drugs by deception, a felony, in violation of Title 17-A, §1108 of the Maine Revised Statutes Annotated.

5. More specifically, on November 9, 1994, and again on November 15, 1994, Respondent falsely issued a prescription in the name of Kim Guite for the drug Methylphenidate, with the

intention of obtaining the drug for his own use and did on both occasions obtain the drug from a pharmacy by signing the name of Richard Guite on the consultation log.

6. On June 16, 1995, Respondent was sentenced to a five year term of imprisonment, all of which was suspended, and was placed on four years probation, among other things.

7. On November 29, 1994, Respondent surrendered his Maine medical license to the Maine Attorney General on the representation that he was impaired due to a chemical dependency.

8. The act for which Respondent was convicted in Maine, if committed in New York State, would have constituted a crime under Penal Law §220.03.

SPECIFICATIONS

FIRST SPECIFICATION

DISCIPLINE BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(9)(d) (McKinney Supp. 1996) by reason of having voluntarily surrendered his medical license in that state and having disciplinary action taken against his license to practice 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:

1. The facts in paragraphs 1,2 and/or 3.

SECOND SPECIFICATION

CRIMINAL CONVICTION BY ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1996) by reason of having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would of constituted a crime under New York State law in that Petitioner charges:

2. The facts in paragraphs 4,5,6,7 and/or 8.

DATED: _____, 1996
Albany, New York

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