



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Karen Schimke  
*Executive Deputy Commissioner*

March 28, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Kevin C. Roe, Esq.  
New York State Department of Health  
Empire State Plaza  
Corning Tower - Room 2438  
Albany, New York 12237

Alexander Hassard, M.D.  
Inmate Number 52284-060  
Federal Medical Center  
3301 Leestown Road  
Lexington, Kentucky 40511

Effective Date: 04/04/96

RE: In the Matter of Alexander Hassard, M.D.

Dear Mr. Roe and Dr. Hassard:

Enclosed please find the Determination and Order (No. BPMC-96-66) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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 all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

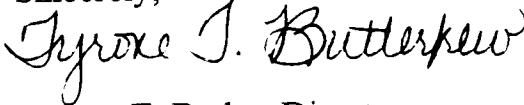
All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

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

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Empire State Plaza  
Corning Tower, Room 2503  
Albany, New York 12237-0030

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 Mr. Horan 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,  
  
Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:crc  
Enclosure

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

**COPY**

**IN THE MATTER**

**-OF-**

**ALEXANDER HASSARD, M.D.**

**Respondent**

DETERMINATION

AND

ORDER

BPMC-96-66

A Notice of Referral Proceeding and Statement of Charges, both dated December 15, 1995, were served upon the Respondent, Alexander Hassard, M.D. **CHARLOTTE S. BUCHANAN (Chair), JAMES EGNATCHIK, M.D. and STEVEN V. GRABIEC, M.D.**, 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. **JEFFREY W. KIMMER, ESQ., ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Kevin C. Roe, Esq., Associate Counsel. The Respondent failed to appear in person and was not represented by counsel. Evidence was received, statements were 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). This statute provides for an expedited proceeding where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or criminal conviction. The scope of this expedited proceeding 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 § 6530 (9)(a)(ii) (conviction of a crime under federal law). The charge herein arises from Respondent being convicted of unlawfully distributing a Schedule III controlled substance which is a violation of Title 21 United States Code § 841(a)(1). The allegations in this proceeding are more particularly set forth in the Statement of Charges and the first page of the INFORMATION, copies of which are attached to this Determination and Order as Appendix One.

## 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 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. Alexander D. Hassard, M.D.(hereinafter, "Respondent"), was licensed to practice medicine in New York State on July 3, 1990 by the issuance of license number 182962 by the New York State Education Department. (Pet. Ex. #5).

2. On or about June 16, 1995, Respondent was convicted after a plea of guilty in the United States District Court, Northern District of Ohio, Eastern Division, of possession with intent to distribute a Schedule III controlled substance, in violation of 21 U.S.C. §841(a)(1), in that Respondent, without a legitimate medical purpose, did knowingly and intentionally distribute and dispense and cause to be distributed and dispensed approximately 14,060 tablets of Vicodin, a Schedule III controlled substance, by means of prescription. (Pet. Exs. #2 and 3)

### **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 has sustained its burden of proof in this matter. The preponderance of the evidence demonstrates that Respondent was convicted, upon a plea of guilty, of unlawful distribution and dispensing of Vicodin, a crime under Federal law. Consequently, the Committee voted to sustain the Specification.

### **DETERMINATION AS TO PENALTY**

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice

medicine in New York State should be revoked. 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.

It is clear that Respondent has breached his fiduciary duty with respect to his treatment of his patients. The amount of tablets prescribed for the patient in question led the Hearing Committee to conclude that the Respondent exhibited a reckless disregard for the well-being of his patient. The Hearing Committee unanimously determined that a person capable of such conduct should not be afforded the privilege of practicing medicine in New York and that revocation is the only appropriate sanction under the circumstances.

### ORDER

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

1. The Specification of professional misconduct, as set forth in the Statement of Charges (Appendix I) is **SUSTAINED**;
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

**DATED: Albany, New York**  
*March 25*, 1996

*Charlotte S. Buchanan*

**CHARLOTTE S. BUCHANAN (CHAIR)**

James Egnatchik, M.D.  
Steven V. Grabiec, M.D.

**TO: KEVIN P. C. ROE, ESQ.**  
Associate Counsel  
Bureau of Professional Medical Conduct  
New York State Department of Health  
Corning Tower Building  
Empire State Plaza  
Albany, N.Y. 12237

**ALEXANDER HASSARD, M.D.**  
Inmate Number 52284-060  
Federal Medical Center  
3301 Leestown Road  
Lexington, Kentucky 40511



**APPENDIX ONE**

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
ALEXANDER D. HASSARD, M.D. : CHARGES

-----X

ALEXANDER D. HASSARD, M.D., the Respondent, was authorized to practice medicine in New York State on July 3, 1990, by the issuance of license number 182962 by the New York State Education Department.

FACTUAL ALLEGATIONS


On or about June 16, 1995, Respondent was convicted in the United States District Court for the Northern District of Ohio of unlawful distribution of a Schedule III controlled substance in violation of 21 U.S.C. 841(a)(1). Respondent was sentenced to thirty months in prison and two years supervised release.

SPECIFICATION

Respondent is charged with having been convicted of committing an act constituting a crime under Federal Law in violation of New York Education Law §6530(9)(a)(ii) (McKinney Supp. 1995) in that, Petitioner alleges:

1. The facts in Paragraphs A.

DATED: *December 15*, 1995  
Albany, New York

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

RECEIVED

NOV 20 1995

OFFICE OF THE  
MEDICAL CONDUCT

*[Handwritten signature]*  
CLE. J. H. NO. OHIO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ALEXANDER D. HASSARD, M.D.,  
Defendant.

) INFORMATION  
) **4:95 CP 120**  
) FILE NO.  
) Title 21, Section  
) 841(a)(1), United  
) States Code  
) **J. MATTHEW CAIN**

The United States Attorney charges:

From on or about June 25, 1992, to on or about March 10, 1994, in the Northern District of Ohio, Eastern Division, ALEXANDER D. HASSARD, M.D., without a legitimate medical purpose, did knowingly and intentionally distribute and dispense, and cause to be distributed and dispensed, approximately 14,060 tablets of Vicodin, a Schedule III drug controlled substance, by means of prescription; in violation of Title 21, Section 841(a)(1), United States Code.

*[Signature: J. Matthew Cain]*  
J. MATTHEW CAIN  
Acting United States Attorney

I hereby certify that this instrument is a true and correct copy of the original on file in my office.  
Attest: Geri M. Smith, Clerk  
U.S. District Court  
Northern District of Ohio  
By: *[Signature]*  
Deputy Clerk

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