



**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

October 31, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

William R. Hearter, Jr., M.D.  
Suite C-128  
10575 North Tatum Boulevard  
Paradise Valley, Arizona 85253

RE: License No. 138028

Dear Dr. Hearter:

Effective Date: 11/07/96

Enclosed please find Order #BPMC 96-254 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 Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

cc: Joseph Huberty, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
WILLIAM R. HEARTER, JR., M.D. : BPMC #96-254

-----X

Upon the Application of WILLIAM J. HEARTER, JR., 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: 29 October 1996

*Charles J. Vacanti*

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  
WILLIAM R. HEARTER, JR., M.D. : LICENSE

-----X

STATE OF ARIZONA )  
COUNTY OF MARICOPA ) ss.:

WILLIAM R. HEARTER, JR, M.D., being duly sworn, deposes and  
says:

On or about May 11, 1979, I was licensed to practice  
medicine as a physician in the State of New York having been  
issued License No. 138028 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. My address, as shown on my last registration with the  
New York State Education Department, was 218 South Main Street,  
Muncy, Pennsylvania 17756. My present mailing address is Suite  
C-128, 10575 North Tatum Boulevard, Paradise Valley, Arizona  
85253.

I understand that I have been charged with two (2) 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 on the grounds that I cannot successfully defend against the allegations set forth in 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 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.

*William R. Hearter, Jr.*  
WILLIAM R. HEARTER, JR., M.D.  
Respondent

Sworn to before me this  
23<sup>rd</sup> day of October, 1996

*Stephen Cihak*  
NOTARY PUBLIC  
STEPHEN CIHAK



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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
WILLIAM R. HEARTER, JR., M.D. : LICENSE


-----X

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

Date: October 23, 1996

  
WILLIAM R. HEARTER, JR., M.D.  
Respondent


Date: October 24, 1996

  
JOSEPH HUBERTY  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: October 28, 1996

  
ANNE F. SAILE  
ACTING DIRECTOR  
Office of Professional Medical  
Conduct

Date: October 29, 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  
WILLIAM R. HEARTER, Jr, M.D. : CHARGES

-----X

WILLIAM R. HEARTER, Jr., M.D., the Respondent, was authorized to practice medicine in New York State on May 11, 1979 by the issuance of license number 138028 by the New York State Education Department. The Respondent is not currently registered to practice medicine in the State of New York. Respondent's address, as shown on Respondent's last registration with the New York State Education Department is 218 South Main Street, Muncy, Pennsylvania 17756.

**FACTUAL ALLEGATIONS**

A. Following Respondent's personal appearance before the Board Of Medical Examiners of the State of Arizona (hereinafter Arizona Board), that Board found Respondent:

1. Had intentionally disclosed a professional secret or privileged communication of a patient, a violation of ARS 32-1401(24)(b);
2. Had failed or refused to maintain adequate patient records, a violation of ARS 32-1401(24)(e);

EXHIBIT "A"

3. Had prescribed, dispensed or administered a controlled or prescription-only drug for other than an accepted therapeutic purpose, a violation of ARS 32-1401(24)(j); and
4. Was guilty of conduct or practice which was or might have been harmful or dangerous to the health of a patient or the public, a violation of ARS 32-1401(24)(q).

B. The Arizona Board disciplined Respondent by:

1. Placing Respondent on probation for a period of five (5) years;
2. Directing that he shall not prescribe or dispense any controlled or prescription-only drugs to any member of his immediate family during the term of probation; and
- ~~3. Requiring Respondent to enter into psychotherapy with a therapist approved by the Arizona Board who shall prepare and submit quarterly reports to the Arizona Board regarding his diagnosis, prognosis and recommendation for further care and treatment of Respondent.~~

P.O.V.B.  
10/24/96

C. Unauthorized disclosure of confidential patient information would, if committed in New York State, constitute a violation of NY Educ. Law Sec. 6530(20) and is defined therein as professional misconduct.



D. Failure or refusal to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient would, if committed in New York State, constitute a violation of NY Educ. Law Sec. 6530 (32) and is therein defined as professional misconduct.

E. Prescribing or dispensing a prescription-only drug or a controlled substance for other than a therapeutic purpose, and conduct which was or might have been harmful or dangerous to the patient or the public would, if committed in New York State, constitute negligence and/or incompetence on more than one occasion, a violation of NY Educ. Law Sec. 6530(3) and/or (4), and is defined therein as professional misconduct.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF IMPROPER PROFESSIONAL PRACTICE BY THE DISCIPLINARY AGENCY OF A SISTER STATE

Petitioner charges Respondent with professional misconduct pursuant to the provisions of NY Educ. Law Sec. 6530(9)(b) (McKinney Supp 1996) in that Respondent was found guilty of improper conduct or professional misconduct by the duly authorized disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York

State, constitute professional misconduct in that Petitioner charges:

- 1 The facts in paragraphs, A, A.1, A.2, A.3, A.4, B, B.1, B.2, B.3, C, D and/or E.

SECOND SPECIFICATION


HAVING DISCIPLINARY ACTION TAKEN AGAINST HIM

BY THE DISCIPLINARY AGENCY OF A SISTER STATE

Petitioner charges Respondent with professional misconduct pursuant to the provisions of NY Educ. Law Sec. 6530 (9)(d) in that Respondent had his license to practice medicine revoked, suspended or had other disciplinary action taken against him by the duly authorized disciplinary agency of another state where the conduct resulting in the revocation, suspension or other disciplinary action would, if committed in New York State, constitute professional misconduct in that Petitioner charges:

2. The facts in paragraphs A, A.1, A.2, A.3, A.4, B, B.1, B.2, B.3, C, D, and/or E.

DATED: September 10, 1996  
Albany, New York

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