



STATE OF NEW YORK DEPARTMENT OF HEALTH

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

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

November 18, 1992

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Beulah D. Jones, M.D.
353 Hawthorne Avenue
Yonkers, New York 10705-2829

Marcia E. Kaplan, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

RE: In the Matter of Beulah D. Jones, M.D.

Dear Dr. Jones and Ms. Kaplan:

Enclosed please find the Determination and Order (No. BPMC-92-73-A) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

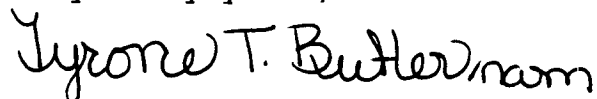
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified 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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,

A handwritten signature in cursive script that reads "Tyrone T. Butler nam".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nam
Enclosure

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

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IN THE MATTER
:
OF
:
BEULAH D. JONES, M.D.
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-----X

ADMINISTRATIVE
REVIEW BOARD
DETERMINATION
AND ORDER
ORDER NO. BPMC-92-73-A

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of ROBERT M. BRIBER, MARYCLAIRE B. SHERWIN, EDWARD C. SINNOTT, M.D. AND WILLIAM A. STEWART, M.D.¹ held deliberations on November 12, 1992 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "Hearing Committee") September 21, 1992 Determination revoking Dr. Beulah Jones' license to practice medicine in New York State. Doctor Jones requested the review through a Notice of Appeal received by the Board on September 28, 1992. JAMES F. HORAN, ESQ., served as Administrative Officer to the Review Board. Doctor Jones submitted a brief on her own behalf and Marcia E. Kaplan, Esq., submitted a brief on behalf of the Department of Health.

¹ At the time at which the Administrative Review Board met to deliberate this case, the New York State Senate had confirmed only four members of the five member Administrative Review Board that was created pursuant to Chapter 606 of the Laws of 1991

SCOPE OF REVIEW

New York Public Health Law (PHL) Section 230(10)(i), Section 230-c(1) and Section 230-c(4)(b) provide that the Review Board shall review:

- whether or not a Hearing Committee determination and penalty are consistent with the Hearing Committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL Section 230-a.

PHL Section 230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

PHL Section 230-c(4)(c) provides that the Review Board's determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Statement of Charges against the Respondent alleged that Doctor Jones had a psychiatric condition which impaired the ability to practice medicine, that Doctor Jones had practiced while impaired by mental disability, that Doctor Jones had failed to comply with an order to undergo a psychiatric examination and that Doctor Jones had practiced the profession fraudulently by

making false representations to the Westchester County Medical Center about her professional liability insurance. The Hearing Committee determined that the Department of Health had produced sufficient evidence to prove all four charges. On the charges involving Doctor Jones' psychiatric condition, the Hearing Committee concluded, based upon the testimony of the Department's expert witness Bruce Schwartz, M.D., that the Respondent suffered from a delusional disorder that impaired her ability to practice medicine.

The Hearing Committee found the Respondent was severely impaired, potentially violent and needs to be hospitalized (F.F. 18, p. 10) and that the Respondent poses a danger to patients (F.F. 19, p. 10-11). Based upon the seriousness of the charges and the Respondent's impaired ability, the Hearing Committee voted to revoke the Respondent's license to practice medicine in New York State.

Doctor Jones has asked the Review Board to overturn the Hearing Committee's Determination based upon four issues raised in her brief:

1. That the confidential medical records introduced at the hearing were obtained through an unconstitutional search;
2. That the proceeding against the Respondent was barred by the statute of limitations set out in Department of Health regulations;

3. That the evidence at the hearing failed to sustain the Hearing Committee's Determination; and

4. That the Committee's Determination constituted double jeopardy.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record in this case, as well as the briefs submitted by both parties.

The Review Board finds that the Respondent's Points 1, 2 and 4 are procedural issues which are beyond the Board's scope of review.

The Respondent's Point 3 asserts that the evidence before the Hearing Committee was not sufficient to sustain the charges against Doctor Jones.

The Review Board believes that the Hearing Committee's Determination was based upon sufficient evidence to prove all the charges against Dr. Jones. The Hearing Committee's Determination is consistent with the Findings of Fact and Conclusions of Law.

The Hearing Committee's Determination revoking Dr. Jones' license to practice medicine in New York State is an appropriate penalty in view of the serious nature of these charges and in view of the Hearing Committee's finding that the Respondent was severely impaired, potentially violent, in need of hospitalization and posed a danger to patients.

ORDER

NOW, based upon this Determination, the Review Board issues the following Order:

1. The September 21, 1992 Determination by the Hearing Committee on Professional Medical Conduct is hereby sustained.

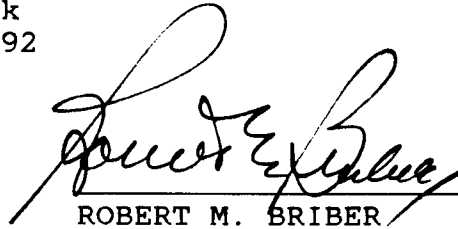
2. The Hearing Committee's Determination revoking the license of Beulah Jones, M.D., to practice medicine in the State of New York is sustained.

ROBERT M. BRIBER
MARYCLAIRE B. SHERWIN
EDWARD C. SINNOTT, M.D.
WILLIAM A. STEWART, M.D.

IN THE MATTER OF BEULAH D. JONES, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Doctor Jones.

DATED: Albany, New York
November 12, 1992




ROBERT M. BRIBER

IN THE MATTER OF BEULAH D. JONES, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Doctor Jones.

DATED: Albany, New York
November 12, 1992

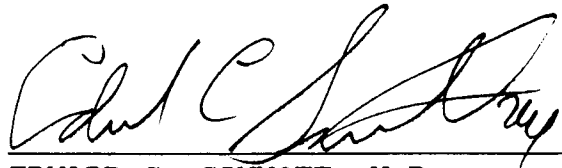


MARYCLAIRE B. SHERWIN

IN THE MATTER OF BEULAH D. JONES, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Doctor Jones.

DATED: Roslyn, New York
November 12, 1992

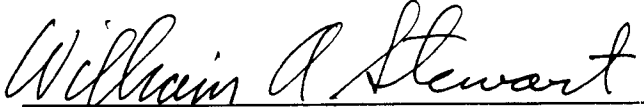
A handwritten signature in cursive script, appearing to read "Edward C. Sinnott", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF BEULAH D. JONES, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Doctor Jones.

DATED: Syracuse, New York
November 12, 1992



WILLIAM A. STEWART, M.D.