



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

December 30, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kimberly A. O'Brien, Esq.
NYS Department of Health
Division of Legal Affairs
Empire State Plaza
Corning Tower - Room 2509
Albany, New York 12237

Rebecca Langdon, M.D.
69 Allen Street
Rutland, Vermont 05701

RE: In the Matter of Rebecca Langdon, M.D.

Dear Ms. O'Brien and Dr. Langdon:

Enclosed please find the Determination and Order (No. BPMC-97-331) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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 penalties **other than suspension or revocation** 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
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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

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
REBECCA Y. LANGDON, M.D.**

**DETERMINATION
AND
ORDER
BPMC-97-331**

A Notice of Hearing and Statement of Charges, each dated September 12, 1997, was served upon the Respondent, **REBECCA Y. LANGDON, M.D. CHARLES J. VACANTI, M.D.**, (Chairperson), **HRUSIKESH PARIDA, M.D.** and **SISTER MARY THERESA MURPHY**, 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 ARMON**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on November 26, 1997. The Department of Health appeared by **HENRY M. GREENBERG**, General Counsel, by **KIMBERLY A. O'BRIEN**, Esq., of Counsel. The Respondent did not appear and was unrepresented. Evidence was received 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). The statute provides for an expedited hearing 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 a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent was charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

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 transcript page numbers or 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. Respondent was authorized to practice medicine in New York State on or about September 17, 1974 by the issuance of license number 121951 by the New York State Education Department. (Ex.3)

2. By Stipulation and Consent Order approved December 4, 1996, the State of Vermont Board of Medical Practice ordered that Respondent be disciplined for several acts of misconduct including the failure to furnish medical records and the administration of pain medication to patients on a "frequent basis". Respondent was issued a "public reprimand" for failing to provide medical records and was required to write letters of apology to the aggrieved patients. She agreed to limit her prescribing of controlled substances, submit monthly reports of her prescribing, complete a course in continuing medical education in the subject areas of chronic pain management and the judicious prescription of regulated drugs and obtain therapy for stress management by a licensed therapist. (Ex. 4)

3. By Interim Stipulation and Order effective July 3, 1997, the Vermont Board ordered, and Respondent agreed, that she cease the practice of medicine in Vermont until such time as she and the Board fully resolved the requirements and conditions set out in the December 4, 1996 Stipulation and Consent Order. This action was based on the allegation by the Board that Respondent had failed to comply with the terms of such Stipulation and Consent Order, including the failure to provide the monthly prescribing reports, a plan to obtain continuing medical education and information related to obtaining stress management therapy. (Ex. 6-7)

4. Respondent was personally served with the Notice of Referral Proceeding and Statement of Charges related to this proceeding on October 22, 1997. (Ex. 2)

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 determined that Respondent had been properly served with the Notice of Hearing and Statement of Charges based on the Affidavit of Service (Ex. 2) and that it had obtained jurisdiction over the Respondent as a result.

The Hearing Committee determined that the Department had met its burden of proof and concluded that the preponderance of the evidence demonstrated that the Vermont Board took disciplinary action against Respondent's license to practice in that State. The basis for such action was conduct which, had it been committed in New York State, would have constituted professional misconduct pursuant to New York Education Law Section 6530(3) [practice of the profession with negligence on more than one occasion], (4) [practice of the profession with gross negligence on a particular occasion], (22) [failure to make requested documents available], (29) [violation of a term of probation or condition or limitation imposed on a licensee] and (32) [failure to maintain patient records which accurately reflects patient treatment]. The Hearing Committee therefore determined to sustain the Specifications set out in the Statement of Charges (Ex. 1).

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 should be revoked and further determined to impose a civil fine of Five Thousand Dollars (\$5,000). This decision was made following due consideration of the full spectrum of penalties available pursuant to statute, including license revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Committee concluded that license revocation was the only appropriate penalty based on Respondent's failure to comply with the terms and conditions of the Stipulation and Consent Order that she entered into with the Vermont Board in December, 1996. The Committee considered issues related to Respondent's practices of prescribing controlled substances to be matters of significant concern and viewed her failure to respond in any manner to the New York Statement of Charges as an indication of her lack of respect toward the disciplinary process. The monetary penalty was imposed to reflect those views.

On the day of this proceeding, a faxed letter was received from Respondent. The Hearing Committee had adjourned by the time it was received and based on the fact that she had personally been served, and therefore had been made aware of the date of this proceeding, over one month earlier, the Administrative Law Judge determined that its submission was untimely and that it did not present good cause for the consideration of the grant of an adjournment. The letter appeared to indicate that Respondent would not be present due to a lack of funds. Attached was a Psychological Services Report obtained in 1995 from the Brattleboro Retreat. Respondent indicated that she continues to attempt to resolve issues related to her compliance with the Stipulation and Consent Order with the Vermont Board. She may advise the New York Board of any final resolution related to her Vermont medical license.

ORDER

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

1. The Specifications contained within the Statement of Charges (Ex. 1) are **SUSTAINED**, and;
2. Respondent's license to practice medicine in New York State be, and hereby is, **REVOKED**, and;
3. Respondent pay a **CIVIL PENALTY** of Five Thousand Dollars (\$5000.00), and;
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges and collection fees and the non-renewal of permits or licenses (Tax Law Section 171[27]; State Finance Law Section 18; CPLR Section 5001; Executive Law Section 32), and;
5. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

Dated: Albany, New York

26 December 1997

Charles J. Vacanti

CHARLES J. VACANTI, M.D. (Chairperson)

**HRUSIKESH PARIDA, M.D.
SISTER MARY THERESA MURPHY**

TO:

Kimberly A. O'Brien, Esq.
NYS Department of Health
Division of Legal Affairs
Corning Tower Building, Room 2509
Empire State Plaza
Albany, New York 12237

Rebecca Langdon, M.D.
69 Allen Street
Rutland, Vermont 05701

(TR)

APPENDIX I

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

-----X

IN THE MATTER : STATEMENT
OF : OF
REBECCA Y. LANGDON : CHARGES

-----X

REBECCA Y. LANGDON, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 17, 1974 by the issuance of license number 121951 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. By Stipulation and Consent Order approved December 4, 1996, the State of Vermont Board of Medical Practice ordered that Respondent be disciplined for several acts of misconduct including failing to furnish medical records and administering pain medication to patients on a "frequent basis." Respondent was specifically sanctioned with a "PUBLIC REPRIMAND" for failing to provide medical records and was required to "write letters of apology to the aggrieved patients." Respondent agreed to limit prescribing of controlled substances, submit monthly reports on her prescribing, complete a course of continuing medical education in the area of chronic pain management and judicious prescribing of regulated drugs, and obtain therapy for stress management by a licensed therapist.

2. The conduct of which Respondent was found guilty in Vermont would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely within the meaning of New York Education Law §6530(3) (McKinney Supp. 1997) (negligence on more than one occasion) and within the meaning of New York Education Law §6530(4) (McKinney Supp. 1997) (gross negligence) and within the meaning of New York Education Law §6530(22) (McKinney Supp. 1997) (failing to make documents available) and within the meaning of New York Education Law §6530(32) (McKinney Supp. 1997) (failing to maintain patient records).

3. By INTERIM STIPULATION AND ORDER dated July 1, 1996, the State of Vermont Board of Medical Practice ordered that Respondent "cease the practice of medicine in the State of Vermont until such time as she and the Board fully resolve the requirements and conditions detailed in the Stipulation and Consent Order" approved by the Board on December 4, 1996. Respondent failed to: provide the requested monthly prescribing reports, submit a plan to obtain the required continuing medical education, or provide any information about pursuing a course of therapy for stress management.

4. The conduct of which Respondent was found guilty in Vermont would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely within the meaning of New York Education Law §6530(29) (McKinney

Supp. 1997) (violating term of probation or condition or limitation imposed on licensee).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(b) (McKinney Supp. 1997) in that he was found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts of paragraphs 1 and/or 2.

SECOND AND THIRD SPECIFICATIONS


DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1997) in that he had disciplinary action taken against his license 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:

3. The facts of paragraphs 1 and/or 2.
4. The facts of paragraphs 3 and/or 4.

DATED: *October 21*, 1997
Albany, New York


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

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

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
REBECCA Y. LANGDON, M.D. : PROCEEDING

-----X

TO: REBECCA Y. LANGDON, M.D.
69 Allen Street
Rutland, Vermont 05701

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 26th day of November, 1997 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the

EXHIBIT 1



licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before November 17, 1997.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 17, 1997 and a copy of all papers must be served on the

same date on the Department of Health, as indicated below. Pursuant to Section 301(5) of the Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
October 21, 1997



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

Inquiries should be addressed to:

Kimberly A. O'Brien
Senior Attorney
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
Empire State Plaza
Albany, New York 12237
(518) 473-4282