



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

January 8, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ann Gayle, Esq.
NYS Department of Health
5 Penn Plaza Sixth Floor
New York, New York 10001

George E. Reardon, M.D.
155 Griswold Drive
West Hartford, Connecticut 06119

RE: In the Matter of George E. Reardon, M.D.

Dear Ms. Gayle and Dr. Reardon:

Enclosed please find the Determination and Order (No. 97-15) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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,

Handwritten signature of Tyrone T. Butler in black ink.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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



IN THE MATTER
-OF-
GEORGE E. REARDON, M.D.
Respondent

DETERMINATION

AND

ORDER

BPMC-97-15

A Notice of Referral Proceeding and Statement of Charges, both dated October 21, 1996, were served upon the Respondent, George E. Reardon, M.D. **JERRY WAISMAN, M.D. (Chair), RANDALL GRIEPP, M.D. and GEORGE SIMMONS, Ed.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 Ann Gayle, Associate Counsel. The Respondent did not appear in person or 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)(d) (disciplinary action taken against the license by another state). The charges herein arise from Respondent entering into a Consent Order with the State of Connecticut based on a Statement of Charges. The Statement of Charges alleges that the Respondent in the course of his medical practice took sexually explicit photographs of his minor patients and inappropriately manipulated body parts of his minor patients. The Consent Order prohibits the Respondent from practicing medicine in Connecticut or any other jurisdiction, from applying for licensure renewal in Connecticut or any other jurisdiction or from seeking licensure to practice medicine in any jurisdiction where he does not currently hold a license. The allegations in this proceeding are more particularly set forth in the Statement of Charges, a copy of which is 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. George E. Reardon, M.D. (hereinafter, "Respondent"), was licensed to practice medicine in New York State on August 8, 1957, by the issuance of license number 079603 by the New York State Education Department. (Pet. Ex. 2).

2. On or about July 20, 1993, the State of Connecticut, Department of Public Health and Addiction Services, Bureau of Health System Regulation, Division of Medical Quality Assurance (hereinafter State of Connecticut), summarily suspended the medical license of the Respondent based on the Statement of Charges which alleged the Respondent violated Connecticut statutes. (Pet. Ex. 4)

3. The Statement of Charges included allegations that the Respondent inappropriately touched and took sexually provocative photographs of minor patients and that such a pattern of conduct is indicative of mental illness or emotional disorder. (Pet. Ex. 4)

4. On or about July 18, 1995, the State of Connecticut accepted the Consent Order executed by the Respondent and the State of Connecticut which prohibited the Respondent from ever practicing medicine in Connecticut or any other jurisdiction. (Pet. Ex. 4)

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 had disciplinary action taken or had his application for a license refused by a professional disciplinary agency of another state. The underlying conduct which was the basis for the action by Connecticut would constitute professional misconduct in New York. Specifically, the Hearing Committee found the Respondent's actions would fall within the definitions of misconduct set forth at §6530(3) (Practicing the profession with negligence on more than one occasion), N.Y. Education Law §6530(5) (Practicing the profession with incompetence on more than one occasion) and N.Y. Education Law §6530(7) (Practicing the profession while impaired by a mental disability).

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.

The Hearing Committee views the actions which resulted in the Connecticut Consent Order to be extremely egregious and a serious breach of the fiduciary relationship between a physician and his patient. Respondent did not appear nor was he represented by counsel. Given the Respondent's agreement to not apply for licensure renewal in any other jurisdiction or to engage in the practice of medicine in any jurisdiction, revocation of his license is the logical sanction to impose. The Hearing Committee views the Respondent's conduct as evidence of a mental disability which makes him unable to practice medicine. It is the Hearing Committee's duty to protect the consumers of medical services of this state. 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 First Specification of professional misconduct, as set forth in the Statement of Charges (Appendix I) are **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

DATED: New York, New York

1/6, 1998

Jerry Waisman, M.D.

JERRY WAISMAN, M.D. (CHAIR)

Randall Griep, M.D.

George Simmons, Ed.D.

TO: Ann Gayle, Esq.

Associate Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

George E. Reardon, M.D.

155 Griswold Drive
West Hartford, Connecticut 06119

(FR)

APPENDIX I

IN THE MATTER
OF
GEORGE E. REARDON, M.D.

STATEMENT
OF
CHARGES

George Reardon, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 8, 1957, by the issuance of license number 079603, by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about July 20, 1993, the State of Connecticut, Department of Public Health and Addiction Services, Bureau of Health System Regulation, Division of Medical Quality Assurance ("Board") summarily suspended Respondent's license to practice medicine in the state of Connecticut, based in part on the Statement of Charges against Respondent. Said Statement of Charges included ten counts of misconduct including but not limited to allegations that Respondent, *inter alia*, took sexually provocative photographs of approximately seven minor children for periods of time from 1956 to 1989 as follows: E.M. from age 5 to 15 from 1956 to 1966; M.M. from age 6 to 16 from 1956 to 1966; M.F. from age 10 to 14 from 1977 to 1981; S.L. from age 14 to 16 from 1979 to 1981; R.F. from age 9 to 19 from 1979 to 1989; J.S. at age 16 in 1980; and Dr. C. from age 12 to 13 from 1967 to 1968, and that he masturbated and inappropriately touched said minor children (when they were the aforementioned ages at the aforementioned times) and other patients up to 1992, all in violation of Connecticut General Statutes Section 20-13c(2) and/or (4).

On or about July 18, 1995, while the aforesaid charges were pending, Respondent was disciplined, in a Consent Order, *inter alia*, as follows: Respondent agreed to and was ordered by the Board not to engage in the practice of medicine in the state of Connecticut or in any other state at any time in the future, not to apply for renewal of his Connecticut license to practice medicine and surgery, not to apply for reinstatement of his Connecticut license at any time in the future, not to apply for renewal of his medical licensure in any other jurisdiction, and not to ever seek licensure to practice medicine in any jurisdiction where he currently does not hold licensure.

SPECIFICATION OF CHARGES

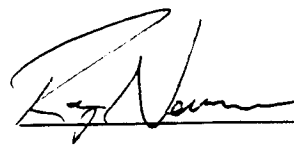
FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1996) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (narr Educ. Law §6530(3), (5) and (7) as alleged in the facts of the following:

1. Paragraph A.

DATED: October 21, 1996
New York, New York

A handwritten signature in cursive script, appearing to read "Roy Nemerson", is written above a horizontal line.

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct