

DOH STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen
Executive Deputy Commissioner

March 2, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hugh Wilber Rollocks, M.D.
1955 Balmoral Drive
Highland Park, MI 48203-1403

Marcia E. Kaplan, Esq
NYS Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza, 6th Floor
New York, NY 10001

Hugh Wilber Rollocks, M.D.
2401 20th Street
Detroit, MI 48216-1506

RE: In the Matter of Hugh Wilber Rollock, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No.99-52) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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, Director
Bureau of Adjudication

TTB:mla
Enclosure

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

COPY

**IN THE MATTER
OF
HUGH WILBER ROLLOCKS, M.D.**

**DETERMINATION
AND
ORDER
BPMC 99-52**

MS. CAROLYN C. SNIPE (Chair), **FRANK E. IAQUINTA, M.D.** and **KENNETH J. FREESE, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to §230(10) of the Public Health Law.

MARC P. ZYLBERBERG, ESQ., ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer.

The Department of Health appeared by **MARCIA E. KAPLAN, ESQ.**, Associate Counsel.

Respondent, **HUGH WILBER ROLLOCKS, M.D.**, did not appear personally and was not represented by counsel.

A Hearing was held on January 19, 1999. Evidence was received and examined. A Transcript of the proceeding was made. After consideration of the record, the Hearing Committee issues this Determination and Order, pursuant to the Public Health Law and the Education Law of the State of New York.

STATEMENT OF CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York (§230 et seq. of the Public Health Law of the State of New York [hereinafter “**P.H.L.**”]).

This case, brought pursuant to P.H.L. §230(10)(p), is also referred to as an “expedited hearing”. The scope of an expedited hearing is strictly limited to evidence or sworn testimony relating to the nature and severity of the penalty (if any) to be imposed on the licensee¹ (Respondent).

HUGH WILBUR ROLLOCKS, M.D., (“**Respondent**”) is charged with professional misconduct within the meaning of §6530(9)(d) of the Education Law of the State of New York (“**Education Law**”), to wit: “professional misconduct ... by reason of having disciplinary action taken by a duly authorized professional disciplinary agency of another state, for conduct, which conduct, would, if committed in New York State constitute professional misconduct under the Laws of New York State.” (Department's Exhibit # 1 and § 6530[9][d] of the Education Law).

In order to find that Respondent committed professional misconduct, the Hearing Committee, pursuant to §6530(9)(d) of the Education Law, must determine: (1) whether Respondent had some disciplinary action taken or instituted against him by a duly authorized professional disciplinary agency of another state and (2) whether Respondent's conduct on which the disciplinary action was taken would, if committed in New York State, constitute professional misconduct under the laws of New York State.

¹ P.H.L. '230(10)(p), fifth sentence.

A copy of the 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. These facts represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. All Findings and Conclusions herein were unanimous. The State, who has the burden of proof, was required to prove its case by a preponderance of the evidence. All Findings of Fact made by the Hearing Committee were established by at least a preponderance of the evidence.

1. Respondent was authorized to practice medicine in New York State on June 19, 1962 by the issuance of license number 087674 by the New York State Education Department (Department's Exhibits # 1 & # 3)².

2. Respondent is not currently authorized to practice medicine in New York because Respondent has not registered since December 31, 1982 (Department's Exhibit # 3).

3. The State Board For Professional Medical Conduct has obtained personal jurisdiction over Respondent (Respondent was personally served - P.H.L. §230[10][d]); (Department's Exhibits # 2 & # 6); (determination made by the Administrative Officer [see transcript]).

4. The Michigan Board of Medicine, through the State of Michigan, Department of Consumer & Industry Services, Office of Health Services, Board of Medicine, Disciplinary Subcommittee ("**Michigan Board**") is a state agency charged with regulating the practice of medicine pursuant to the laws of the State of Michigan (Department's Exhibit # 4).

² refers to exhibits in evidence submitted by the New York State Department of Health (Department's Exhibit). No exhibits were submitted on behalf of Dr. Hugh Wilbur Rollocks.

5. On October 3, 1997, Respondent signed a stipulation which resulted in an agreed Order (“**Order**”), dated October 9, 1997, from the Michigan Board (Department’s Exhibit # 4).

6. As a result of said Order, Respondent was found to have violated 1991 MR 12, R338.2381(2) which constitutes a violation of §16221(g) of the Public Health Code of the State of Michigan (Department’s Exhibit # 4).

7. Respondent had disciplinary action taken against him by Michigan because he made false and fraudulent statements when he applied for his license renewal to practice medicine in Michigan (R 338.2381(2) (Department’s Exhibit # 4).

8. As a result of Said Order, Respondent was Reprimanded, fined \$1,000.00, placed on Probation for two (2) years, and required to earn 100 hours of Board approved continuing education credit in addition to the standard continuing education credit required of all physicians in Michigan (Department’s Exhibit # 4).

9. The Stipulation, Order and Administrative Complaint issued by the Michigan Board is annexed hereto as Appendix II. The information contained therein is not repeated at length in these Findings but are accepted by the Hearing Committee as the conduct of Respondent in the State of Michigan and is fully incorporated herein (Department's Exhibit # 4).

10. Respondent has not filed a written answer to each (or any) of the charges and allegations contained in the Statement of Charges (P.H.L. §230[10][p]).

11. Paragraph A of the Factual Allegations contained in the October, 29, 1998 Statement of Charges is deemed admitted by the Hearing Committee by operation of law (P.H.L. §230[10][p]); (See Appendix I).

12. The Hearing Committee finds that the charge of professional misconduct within the meaning of Education Law §6530(9)(d) is deemed admitted by operation of law (P.H.L. §230[10][p]); (Specification of having had disciplinary action taken); (See Appendix I).

CONCLUSIONS OF LAW

The Hearing Committee makes the following conclusions, pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee concludes that the Factual Allegations, from the October 29, 1998 Statement of Charges is SUSTAINED

The Hearing Committee concludes and determines, based on all of the evidence presented, that the SPECIFICATION OF HAVING HAD DISCIPLINARY ACTION TAKEN is SUSTAINED.

I Professional Misconduct under §6530(9)(d) of the Education Law.

The Michigan Board is a duly authorized professional disciplinary agency. In July 1997, the State of Michigan, through the Michigan Board, instituted disciplinary action against Respondent. This disciplinary action resulted in a Stipulation by Respondent and Agreed Order from the Michigan Board.

The record establishes that Respondent committed professional misconduct pursuant to §6530(2)³, §6530(16)⁴, and §6530(21)⁵ of the Education Law.

The conduct contained in the Administrative Complaint establishes Respondent's fraud. It is clear that Respondent's conduct in Michigan constitutes the equivalent of fraudulent conduct in New York. Therefore, Respondent would be guilty of professional misconduct under the laws of the State of New York.

³ Each of the following is professional misconduct... Practicing the profession fraudulently ...;

⁴ Each of the following is professional misconduct... A willful or grossly negligent failure to comply with substantial provisions of federal, state or local laws, rules or regulations governing the practice of medicine;

⁵ Each of the following is professional misconduct... Willfully making or filing a false report ... ;

The Hearing Committee concludes that the Department of Health has shown, by a preponderance of the evidence, that Respondent had disciplinary action taken or instituted against him by an authorized professional disciplinary agency of the State of Michigan. The Department of health has also proved, by a preponderance of the evidence, that Respondent's conduct, as alleged in the Michigan disciplinary action, would, if committed in New York, constitute professional misconduct under the laws of New York State. The Department of Health has met its burden of proof.

DETERMINATION

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determines that Respondent's license to practice medicine in New York State should be **SUSPENDED** for a period of two (2) years from the date of the Michigan Order (October 9, 1997).

In addition, the Hearing Committee determines that Respondent should provide proof of complete compliance with the Michigan Order, prior to reregistration in New York and submit his reregistration application in New York within 30 days after the expiration of his suspension in New York.

This determination is reached after due and careful consideration of the full spectrum of penalties available pursuant to P.H.L. §230-a, including:

(1) Censure and reprimand; (2) Suspension of the license, wholly or partially; (3) Limitations of the license; (4) Revocation of license; (5) Annulment of license or registration; (6) Limitations; (7) the imposition of monetary penalties; (8) a course of education or training; (9) performance of public service and (10) probation.

The record clearly establishes that Respondent's conduct was a violation of Michigan Law. Respondent's lack of complete honesty is evident in his course of conduct, as established by the Michigan Board and acknowledged by Respondent.

The Hearing Committee has noted the penalty imposed by the State of Michigan on Respondent's license. Respondent provided no mitigation for consideration by the Hearing Committee in New York. Respondent has not been registered in New York since 1982.

The Hearing Committee believes that censure and reprimand is not appropriate under the circumstances because Respondent has not shown any interest in practicing in New York. Limitations on Respondent's license and education or retraining are also inappropriate in that there is insufficient proof in the record regarding Respondent's medical ability or knowledge. The record establishes that Respondent committed violations of Michigan Laws. Respondent's lack of integrity is evident by his conduct.

The Hearing Committee considers Respondent's misconduct to be serious. With a concern for the safety of the people of New York State, the Hearing Committee determines that suspension, until Respondent complies with Michigan's requirements, is the appropriate sanction to impose under the circumstances.

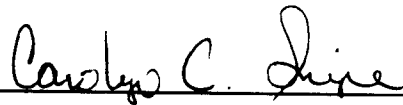
By execution of this Determination and Order, all members of the Hearing Committee certify that they have read and considered the complete record of this proceeding.

ORDER

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

1. The Specification of professional misconduct contained within the Statement of Charges (Department's Exhibit # 1) is **SUSTAINED**, and
2. Respondent's license to practice medicine in the State of New York is hereby **SUSPENDED** until October 8, 1999 (a period of two (2) years from the date of the Michigan Order of October 9, 1997); and
3. Respondent is required to provide proof of complete compliance with the Michigan Order, prior to reregistration in New York; and
4. Respondent is required to submit his reregistration application in New York within 30 days after the expiration of his suspension in New York.

DATED: New York, New York
February 26, 1999



MS. CAROLYN C. SNIPE
FRANK E. IAQUINTA, M.D.
KENNETH J. FREESE, M.D.,

Hugh Wilbur Rollocks, M.D.
1955 Balmoral Drive
Highland Park, MI 48203-1403

Hugh Wilbur Rollocks, M.D.
2401 20th Street
Detroit, MI 48216-1506

Marcia E. Kaplan, Esq.
Associate Counsel,
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza, 6th Floor
New York, New York 10001

APPENDIX I

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

IN THE MATTER
OF
HUGH WILBUR ROLLOCKS, M.D.

STATEMENT
OF
CHARGES

HUGH WILBUR ROLLOCKS, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 19, 1962, by the issuance of license number 087674 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about October 9, 1997, Respondent had disciplinary action taken by the Michigan Board of Medicine, i.e. he was reprimanded, fined \$1000 and placed on probation for two years, with terms of probation including that he earn 100 hours of Board-approved continuing education credit, as specified, based upon entry of an Agreed Order finding him in violation of 1991 MR 12, R 338.2381(2), a violation of section 16221(g) of the Public Health Code of the State of Michigan, after a disciplinary action was instituted by the Michigan Board of Medicine. Respondent made a false and fraudulent statement in applying for license renewal in that he certified, by his application for license renewal, that he had complied with the continuing medical education requirement, and failed, upon demand, to submit satisfactory evidence demonstrating that he obtained 150 hours of continuing education credit, during the period of February 1, 1994 to January 31, 1997, required for license renewal. This conduct, if committed in New York state, would constitute professional misconduct under the laws of New York state (namely N.Y.

Educ. Law §6530(2)(McKinney Supp. 1998) practicing the profession of medicine fraudulently and/or a Educ. Law §6530(16)(McKinney Supp. 1998), a willful or grossly negligent failure to comply with substantial provisions of state laws, rules or regulations governing the practice of medicine, and/or Educ. Law §6530(21)(McKinney Supp. 1998), wilfully making or filing a false report.

SPECIFICATION OF CHARGES

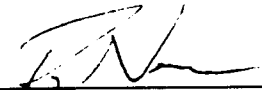
FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1998) 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 (namely N.Y. Educ. Law §6530(2,16, and/or 21) as alleged in the facts of the following:

1. Paragraph A.

DATED: October 27, 1998
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

APPENDIX II



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Office of Health Services
Thomas C. Lindsay II, Director

Ottawa Building
P.O. Box 30670
Lansing, Michigan 48909-8170
Telephone: 517-335-0918
TDD: 517-373-7489

OFFICE OF HEALTH SERVICES
COMPLAINT & ALLEGATION DIVISION
(517) 335-4084

April 2, 1998

CERTIFICATION

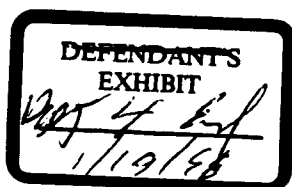
I, Mary E. Hess, Assistant Freedom of Information Coordinator with the Michigan Department of Consumer and Industry Services, Office of Health Services, do hereby certify that the attached documents are true copies taken from the Master File maintained by the Michigan Department of Consumer and Industry Services.

**RE: Hugh W. Rollocks, M.D.
LICENSE NO. - 43-01-027374**

Mr. Rollocks's license to practice Medicine in the state of Michigan is currently in review status. The license will expire on January 31, 2000.

Sincerely,

Mary E. Hess
Assistant Freedom of Information Coordinator
Office of Health Services



STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF HEALTH SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of
HUGH W. ROLLOCKS, M.D.
_____ /

File Number: 43-97-1147-00
STIPULATION AND AGREED ORDER

STIPULATION

Respondent acknowledges the facts and violation of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq, set forth in the Administrative Complaint dated July 21, 1997, and consents to the sanctions set forth in the following Agreed Order.

Complainant and Respondent agree that the Board's Disciplinary Subcommittee may enter an order as stipulated above.

Thomas C. Lindsay II
Thomas C. Lindsay II, Complainant
Dated: October 8, 1997

Hugh W. Rollocks, M.D.
Hugh W. Rollocks, M.D., Respondent

Subscribed and sworn to by Respondent on 10-3-97
Barbara J. Tate, Notary Public,
Wayne County, Michigan. Commission expires 9-20-99

BARBARA J. TATE
NOTARY PUBLIC - WAYNE COUNTY, MI
ACTING IN Oakland CO., MI
MY COMMISSION EXPIRES 07/20/99



AGREED ORDER

IT IS HEREBY FOUND that Respondent has violated 1991 MR 12, R 338.2381(2), which constitutes a violation of section 16221(g) of the Public Health Code, supra; accordingly,

IT IS HEREBY ORDERED that, pursuant to the above Stipulation, Respondent shall be and hereby is:

1. REPRIMANDED;
2. FINED in the amount of \$1,000.00 to be paid to the State of Michigan within 60 days from the effective date of this order. The fine shall be mailed to the Department of Consumer & Industry Services, Office of Health Services, Continuing

STATE OF MICHIGAN — INGHAM COUNTY
Notary Public
commission expires in the office
of the Department of Consumer and Industry
Services, Office of Health Services, Continuing
Residence

Education Evaluation and Compliance Unit, P.O. Box 30185, Lansing, Michigan 48909; and

3. Placed on PROBATION for a period of two years, commencing on the effective date of this order. During the probationary period, Respondent shall earn 100 hours of Board-approved continuing education credit from category 1. These 100 hours shall not apply in computing Respondent's current continuing education requirements for license renewal.

Respondent shall be automatically discharged from probation at the end of the probationary period, provided Respondent has complied with the terms of this order and has not violated the Public Health Code.

Verification of continuing education credit 100 shall be mailed to the Department of Consumer & Industry Services, Office of Health Services, Continuing Education Evaluation and Compliance Unit, P.O. Box 30670, Lansing, Michigan 48909.

IT IS FURTHER ORDERED that this order shall be effective on the date signed as set forth below.

MICHIGAN BOARD OF MEDICINE
Disciplinary Subcommittee

Dated: Oct 9, 1997

By: 
Carole Hakala Engle, Director of Licensing

This is the last and final page of a Stipulation and Agreed Order in the matter of Hugh W. Rollocks, M.D., before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of two pages, this page included.

JEC

Michigan
State
Department
of
Consumer
&
Industry
Services
Office
of
Health
Services
Lansing, Michigan

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF HEALTH SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

HUGH W. ROLLOCKS, M.D.
_____ /

File Number: 43-97-1147-00

ADMINISTRATIVE COMPLAINT

COMPLAINANT, the Michigan Department of Consumer & Industry Services, by Thomas C. Lindsay II, Director, Office of Health Services, files this complaint against Respondent, Hugh W. Rollocks, M.D., and SAYS:

1. The Michigan Board of Medicine, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(1101) et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Code.

2. Respondent is currently licensed to practice medicine in the state of Michigan and holds a current controlled substance license.

3. Respondent failed, upon demand, to submit satisfactory evidence demonstrating that Respondent obtained the 150 hours of continuing education credit during the period of February 1, 1994 to January 31, 1997, required for license renewal.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of 1991 MR 12, R 338.2381(2), contrary to section 16221(g) of the Public Health Code, supra.

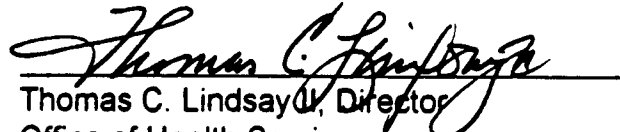
WHEREFORE, Complainant requests that the within complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; MSA 3.560(101) et seq.

RESPONDENT IS HEREBY NOTIFIED that pursuant to section 16231(7) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Thomas C. Lindsay II, Director, Office of Health Services, Department of Consumer & Industry Services, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that pursuant to section 16231(8) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this complaint directly to the Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED:

July 21, 1997


Thomas C. Lindsay, Director
Office of Health Services

This is the last and final page of an Administrative Complaint in the matter of Hugh W. Rollocks, M.D., before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of three pages, this page included.

JEC

INGHAM COUNTY
... is a true
... in the office
... of Consumer and Industry
... Legal Services, Legal
Res...