

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

January 31, 1990

Charles A. Ruvolo, Jr.
Physician
37 Washington Square West, Apt. 1-C
New York, N.Y. 10011

Re: License No. 107573

Dear Dr. Ruvolo:

Enclosed please find Commissioner's Order No. 10133. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

MOIRA A. DORAN
Supervisor

DJK/MAH/er
Enclosures

CERTIFIED MAIL- RRR

cc: David E. Ruck, Esq.
Bourgeois & Ruck
230 Park Avenue
New York, N.Y. 10169

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OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

**REPORT OF THE
REVIEW COMMITTEE**

CHARLES A. RUVOLO, JR.

CALENDAR NO. 10133



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

CHARLES A. RUVOLO, JR.

No. 10133

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

CHARLES A. RUVOLO, JR., hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On October 17, 1989, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, David Ruck, Esq. Shelley G. Schwartz, Esq., represented the Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be revoked.

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended

CHARLES A. RUVOLO, JR. (10133)

for 18 months, stayed - so as to allow respondent to complete his fellowship in hematology/oncology at Lenox Hill Hospital in June, 1991.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent has been found guilty, upon respondent's admission in the New Jersey final order herein, of improper professional practice and professional misconduct by a duly authorized professional disciplinary agency of another state (first specification), which conduct would, if committed in New York State, constitute professional misconduct under New York Education Law §6509(2) -- practicing the profession fraudulently -- as set forth in the statement of charges and the record herein.
3. On June 14, 1988 the New Jersey Department of Human Services issued a Notice of Suspension and Notice of Proposed Debarment against respondent concerning respondent's participation in the New Jersey Medical Assistance and Health Services (Medicaid) Program. The

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aforementioned notice recited that the action was "based upon the suspension of your license to practice medicine and surgery in the State of New Jersey effective March 1, 1988 by the New Jersey State Board of Medical Examiners".

DETERMINATION AS TO GUILT

The first specification of the charges contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven, to the extent indicated in this report, by a preponderance of the evidence and respondent is guilty thereof.

The second specification of the charges has not been proven by a preponderance of the evidence and respondent is not guilty thereof.

With regard to the second specification of the charges we note that what triggered the June 14, 1988 New Jersey Department of Human Services Notice of Suspension and Notice of Proposed Debarment was the act of respondent's medical license being suspended. The mere act of suspending respondent's medical license does not constitute a violation of New York Education Law §6509 as required by New York Public Health Law §230(10)(m)(iv). Furthermore, petitioner did not provide the statutes cited in the June 14, 1988 letter and, accordingly, thereby also failed to prove there was comparable professional misconduct in New York.

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Accordingly, we do not sustain the second specification of the charges. Cf., Dragan v. Commissioner of Education, 142 A.D.2d 846, 530 NYS2d 896.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

Respondent's license to practice as a physician in the State of New York be suspended for two years upon the first specification of the charges of which respondent has been found guilty, that execution of said suspension be stayed and respondent be placed on probation for two years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B". It is noted that the limitation of respondent's practice under said terms of probation is for a fixed period of time during which respondent must complete the fellowship indicated therein.

The second specification of the charges be dismissed.

Respectfully submitted,

ADELAIDE L. SANFORD

SIMON J. LIEBOWITZ

JOHN T. MCKENNAN


Chairperson

Dated: November 16, 1989

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

-----X

IN THE MATTER : STATEMENT
OF : OF
CHARLES A. RUVOLO, JR., M.D. : CHARGES

-----X

CHARLES A. RUVOLO, JR., M.D., the Respondent, was authorized to practice medicine in New York State on November 24, 1970 by the issuance of license number 107573 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at 37 Washington Square West, New York, New York 10011.

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of New York Educ. Law, Section 6509(5)(b) in that he was found guilty of professional misconduct by the New Jersey State Board of Medical Examiners, a duly authorized professional disciplinary agency of the State of New Jersey, for conduct which would, if committed in New York State, constitute professional misconduct under the laws of New York State as defined in New York Educ. Law, Section 6509(2),

practicing the profession with negligence on more than one occasion and practicing the profession fraudulently, specifically:

On or about February 16, 1988, the New Jersey State Board of Medical Examiners, issued an order finding that Respondent repeatedly and indiscriminately dispensed controlled substances without medical cause or physical examination. The New Jersey Board ordered the suspension of Respondent's license to practice medicine and surgery in the State of New Jersey for a period of four (4) years, effective March 1, 1988, followed by two (2) years' probation, together with a civil penalty of \$5,000.00 and costs of \$4,576.15.

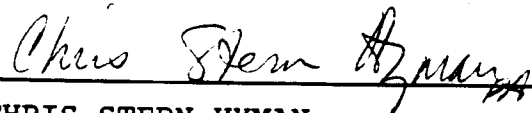
SECOND SPECIFICATION

2. Respondent is charged with professional misconduct within the meaning of Pub. Health Law, Section 230(10)(m)(iv) (McKinney Supp.1989), in that he has been found in violation of a state statute or regulation pursuant to a final decision or determination of an agency having the power to conduct the proceeding and after an adjudicatory proceeding has been conducted, in which no appeal is pending or after resolution of the proceeding by stipulation or agreement, which violation resulting in the final decision or determination constitutes professional misconduct within N.Y. Educ. Law, Section 6509(2), practicing the profession with negligence on more than one

occasion and practicing the profession fraudulently,
specifically:

On or about June 14, 1988, the Department of Human Services of the State of New Jersey, Division of Medical Assistance and Health, suspended Respondent physician from further participation in any capacity in the New Jersey Medical Assistance and Health Services (Medicaid) Program, based upon the suspension of Respondent's license to practice medicine and surgery in the State of New Jersey (as set out in paragraphs 1 and 2), in accordance with N.J.S.A. 30:4D-17.1a and N.J.A.C. 10:49-1.17(j)5.

DATED: New York, New York
August 3, 1989



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

CHARLES A. RUVOLO, JR.

CALENDAR NO. 10133

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
 - b. That respondent, during the period of probation, has restricted his practice to the area of hematology/oncology and is enrolled in and satisfactorily participating in his fellowship program in hematology/oncology at Lenox Hill Hospital, the successful completion of such fellowship to be accomplished during the period of probation with written notice of such successful completion to be forwarded to the Director of the Office of Professional Medical Conduct of the New York State Department of Health within 30 days of such successful completion;
 - c. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - d. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
 - e. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that
 - 1) respondent is currently registered with the NYSED,

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unless respondent submits written proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding.

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

CHARLES A. RUVOLO, JR.

CALENDAR NO. 10133



The University of the State of New York

IN THE MATTER

OF

CHARLES A. RUVOLO, JR.
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10133

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10133, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (December 15, 1989): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of CHARLES A. RUVOLO, JR., respondent, be accepted; that respondent is guilty of the first specification of the charges to the extent indicated in the report of the Regents Review Committee by a preponderance of the evidence and not guilty of the second specification; that respondent's license and registration to practice as a physician in the State of New York be suspended for two years upon the first specification of the charges of which respondent has been found guilty; that execution of said suspension be stayed; that respondent be placed on probation for two years under the terms prescribed by the Regents Review Committee; that it is noted that the limitation of respondent's practice under said terms of probation is for a fixed period of time during which respondent must complete the fellowship indicated therein; that the second specification of the charges be dismissed; and that the Commissioner of Education be empowered to

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execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 10th day of

January, 1990.
Thomas Sobol

Commissioner of Education