

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

July 6, 1990

George F. Simor, Physician
4 Lynn Court
Rexford, N.Y. 12148

Re: License No. 091312

Dear Dr. Simor:

Enclosed please find Commissioner's Order No. 10655. 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: Anthony Z. Scher, Esq.
Wood & Scher
Harwood Building
Suite 512
Scarsdale, N.Y. 10583

REPORT OF THE
REGENTS REVIEW COMMITTEE

GEORGE F. SIMOR

CALENDAR NO. 10655



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

GEORGE F. SIMOR

No. 10655

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

REPORT OF THE REGENTS REVIEW COMMITTEE

GEORGE F. SIMOR, hereinafter referred to as respondent, was licensed to practice as a physician in the State of New York by the New York State Education Department.

The instant disciplinary proceeding was properly commenced and on October 12, 1989 a hearing was held before a hearing committee of the State Board for Professional Medical Conduct. A copy of the statement of charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

The hearing committee rendered a report of its findings, conclusions, and recommendation, a copy of which, without attachment, is annexed hereto, made a part hereof, and marked as Exhibit "B".

The hearing committee concluded that respondent was guilty of the first through fifth specifications of the charges, and not

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guilty of the sixth through tenth specifications of the charges. The hearing committee recommended that respondent's license to practice as a physician in the State of New York be suspended for a period of two years, that the suspension be stayed, and that a penalty of \$1,000 be assessed against respondent.

The Commissioner of Health recommended to the Board of Regents that the findings of fact and conclusions of the hearing committee be accepted, and that the recommendation of the hearing committee be modified as indicated in his recommendation. A copy of the recommendation of the Commissioner of Health is annexed hereto, made a part hereof, and marked as Exhibit "C".

On April 18, 1990 respondent appeared before us in person, and an attorney, Anthony Z. Scher, Esq., appeared before us and presented oral argument on respondent's behalf. Kevin C. Roe, Esq., presented oral argument on behalf of the Department of Health.

Petitioner's recommendation, which is the same as the Commissioner of Health's recommendation, as to the measure of discipline 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 for two years/stayed, 100 hours community service.

Respondent's recommendation as to the measure of discipline

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to be imposed, should respondent be found guilty, was Censure and Reprimand.

We have considered the record as transferred by the Commissioner of Health in this matter, as well as respondent's April 3, 1990 memorandum.

We agree with the hearing committee's findings and conclusions and find that they are appropriately based on the evidence in the record and that they reflect a proper evaluation of respondent's actions.

We unanimously recommend the following to the Board of Regents:

1. The hearing committee's findings of fact, conclusions as to the question of respondent's guilt, and recommendation as to the measure of discipline be accepted, and the Commissioner of Health's recommendation as to the hearing committee's findings of fact and conclusions be accepted;
2. The Commissioner of Health's recommendation as to the measure of discipline not be accepted;
3. Respondent be found guilty, by a preponderance of the evidence, of the first through fifth specifications of the charges, and not guilty of the sixth through tenth specifications of the charges; and
4. That, in agreement with the hearing committee's recommendation as being a more effective deterrent than

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the Commissioner of Health's recommendation for the type of misconduct herein, respondent's license to practice as a physician in the State of New York be suspended for two years and respondent be fined \$1,000 upon each specification of the charges of which we recommend respondent be found guilty, said suspensions to run concurrently and said fines to be imposed concurrently and to total \$1,000, and that execution of said suspensions be stayed. Respondent shall pay the \$1,000 fine imposed, by certified check, to the New York State Education Department, addressed to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - 6th floor, New York, New York 10016-5802, within three months after the effective date of the service of the order of the Commissioner of Education to be issued in this matter.

Respectfully submitted,

GERALD J. LUSTIG, M.D.

JOHN T. MCKENNAN

PATRICK J. PICARIELLO


Chairperson

Dated: June 7, 1990

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

-----X
IN THE MATTER : STATEMENT
OF : OF
GEORGE F. SIMOR, M.D. : CHARGES
-----X

GEORGE G. SIMOR, M.D., the Respondent, was authorized to engage in the practice of medicine in the State of New York on September 14, 1963 by the issuance of License Number 091312 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 from Fairfield Hills Hospital, Queens Street, Newtown, Connecticut 06470.

FACTUAL ALLEGATIONS

A. On or about September 29, 1986, Respondent made application for appointment to the medical/dental staff of Ellis Hospital, 1101 Nott Street, Schenectady, New York. In making this application:

1. Respondent omitted from his list of previous hospital appointments, his appointment at the Bronx Psychiatric Center from January 1982 until May of 1982.
2. Respondent omitted from the list of previous hospital appointments, his appointment at the Hudson River

EXHIBIT "A"

Psychiatric Center from July of 1981 until January of 1982.

3. Respondent falsely stated that from 1974-1982 he was an attending psychiatrist at Smithtown General Hospital.
4. Respondent falsely stated that no professional liability suit had ever formally been commenced against him.
5. Respondent falsely stated that no professional liability case in which he was a defendant had been settled.

SPECIFICATION OF CHARGES

FIRST THROUGH FIFTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law §6509(2) (McKinney 1985), in that Petitioner charges:

1. The facts in Paragraph A and A.1.
2. The facts in Paragraph A and A.2.
3. The facts in Paragraph A and A.3.
4. The facts in Paragraph A and A.4.
5. The facts in Paragraph A and A.5.

SIXTH THROUGH TENTH SPECIFICATIONS

MORAL UNFITNESS TO PRACTICE THE PROFESSION

Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law §6509(9) (McKinney 1985) by reason of his conduct in the practice of the profession which evidences moral unfitness to practice the profession within the meaning of 8 NYCRR § 29.(1)(b)(5) (1987), in that, Petitioner charges:

6. The facts in Paragraph A and A.1.
7. The facts in Paragraph A and A.2.
8. The facts in Paragraph A and A.3.
9. The facts in Paragraph A and A.4.
10. The facts in Paragraph A and A.5.

DATED: Albany, New York
September 1, 1989

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel

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

IN THE MATTER : REPORT OF
OF : THE HEARING
GEORGE F. SIMOR, M.D. : COMMITTEE

TO: The Honorable David Axelrod, M.D.
Commissioner of Health, State of New York

Charlotte S. Buchanan, Esq., Chairperson, Thomas L. Hawkins, Jr., M.D. and J. LaRue Wiley, M.D., duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Michael P. McDermott, Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this report.

SUMMARY OF THE PROCEEDINGS

Notice of Hearing and Statement of Charges dated:	September 1, 1989
Pre-hearing conference:	October 12, 1989
Hearings date:	October 12, 1989

EXHIBIT "B"

Place of hearing: N.Y.S. Department of Health
Tower Building
Empire State Plaza
Albany, New York

Deliberations: October 24, 1989

Department of Health
appeared by: Peter J. Millock, Esq.
General Counsel
Kevin C. Roe, Esq.,
Associate Counsel,
of Counsel

Respondent appeared by: Wood & Scher
The Harwood Building
Scarsdale, NY 10583
Anthony V. Scher, Esq.,
of Counsel

WITNESS:

For the Department: None

For the Respondent: George F. Simor, M.D.,
the Respondent

Essentially, the Statement of Charges alleges that the Respondent practiced the profession fraudulently and committed unprofessional conduct which evidenced moral unfitness to practice the profession. The charges are more specifically set forth in the Statement of Charges, a copy of which is attached hereto and made a part hereof.

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 pages unless otherwise noted. These citations represent evidence found persuasive by the Hearing Committee while

arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All findings were reached by unanimous vote except where noted otherwise.

1. George G. Simor, M.D., the Respondent, was authorized to engage in the practice of medicine in the State of New York on September 14, 1963 by the issuance of License Number 091312 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.

2. On or about September 29, 1986, the Respondent made application for appointment to the medical/dental staff of Ellis Hospital, 1101 Nott Street, Schenectady, New York (Department's Ex. 1). In filing the application:

- A. The Respondent omitted from his list of previous hospital appointments, his appointment at the Bronx Psychiatric Center from January 1982 until May of 1982. (Department's Exs. 1 and 4)
- B. The Respondent omitted from the list of previous hospital appointments, his appointment at the Hudson River Psychiatric Center from July of 1981 until January of 1982 (Department's Exs. 1 and 2).
- C. The Respondent stated that from 1974-1982 he was an attending psychiatrist at Smithtown General Hospital (Department's Exs. 1 and 6).
- D. The Respondent stated that no professional liability suit had ever formally been commenced against him (Department's Exs. 1, pg. 4 and 9).

- E. The Respondent stated that no professional liability case in which he was a defendant had been settled (Department's Exs. 1 and 10).

CONCLUSIONS

1. The Hearing Committee unanimously concludes that the Respondent intentionally omitted from his list of previous hospital appointments his appointment at the Bronx Psychiatric Center from January 1982 until May 1982 because he was aware that he was given a "good and bad, mixed" performance evaluation at the facility (Tr. 65).

The Bronx Psychiatric Center's inactive personnel files have been purged and the Respondent's personnel and credentials files are not available (Department's Ex. 5, pg. 1).

2. The Hearing Committee unanimously concludes that the Respondent intentionally omitted from the list of previous hospital appointments, his appointment at the Hudson River Psychiatric Center from July 1, 1981 until January 1982 because of knowledge of an unsatisfactory performance evaluation. He received a memorandum which was critical of his attendance record on September 21, 1982 and subsequently received a performance appraisal which marked his work as satisfactory but continued him on probation.

He left employment at Hudson River Psychiatric Center on January 23, 1982. On February 2, 1982 an evaluation was done which

showed unsatisfactory evaluations of his performance and stated that the evaluator would not rehire the Respondent.

While the Respondent claims that he was unaware of the February 2, 1982 evaluation, the Hearing Committee concludes that he was aware of his unsatisfactory performance when he left the facility. (Department's Ex. 3, pgs. 3, 6 and 12).

3. The Hearing Committee unanimously concludes that the Respondent falsely stated that he was an attending psychiatrist at Smithtown General Hospital from 1974-1982.

The evidence indicates that the Respondent was granted a leave of absence from the hospital from January 1981 to January 1982.

On June 15, 1981, the Respondent submitted a letter of resignation from the hospital and it was accepted on July 7, 1981.

Although the Respondent testified that he thought he was still a member of the medical staff through the year (1981), he stated that he "remembered that my leave of absence would carry me through 1982." He also testified that he had forgotten about resigning in June 1981 and about receiving a letter from the hospital accepting his resignation (Department's Ex. 6, pgs. 2 and 3); Respondent's Ex. F; Tr. 121).

The Hearing Committee unanimously concluded that the Respondent's testimony on this matter was not credible.

4. The Hearing Committee unanimously concludes that the Respondent falsely stated that no professional liability suit had ever formally been commenced against him.

The evidence indicates that a professional liability suit was formally commenced against the Respondent in 1976 and that the Respondent had knowledge of the nature of the suit, his claims to the contrary notwithstanding.

The very first paragraph of the Bill of Particulars put the Respondent on notice that this was indeed a professional liability case.

Also in a letter dated August 9, 1976, from his insurer, Employers Insurance of Wausau, the Respondent was advised that "the complaint is a mixed one alleging negligence and a violation of the Penal Code, a criminal act". "...Again we will continue to defend you on all that the acts alleged, however, we will only indemnify for those provisions covered by the insurance policy." (Department's Exs. 8, 9 and 10; Respondent's Ex. G; Tr. 174-175).

5. The Hearing Committee unanimously concludes that the Respondent falsely stated that no professional liability case in which he was a defendant had been settled.

The evidence indicates that the professional liability case against the Respondent, commenced in 1976, was settled in August 1980. The Respondent was aware of the settlement, in fact he testified that he had paid \$25,000 as part of the settlement (Department's Ex. 10; Tr. 94, 169, 174-175).

6. Although the Hearing Committee unanimously concluded that the Respondent's misconduct was serious, it was not at a level to constitute moral unfitness to practice the profession.

VOTE OF THE HEARING COMMITTEE

The Hearing Committee votes unanimously as follows:

First through Fifth Specifications

Paragraph A-A1	Sustained
Paragraph A-A2	Sustained
Paragraph A-A3	Sustained
Paragraph A-A4	Sustained
Paragraph A-A5	Sustained

Sixth through Tenth Specifications

Paragraph A-A1	Not Sustained
Paragraph A-A2	Not Sustained
Paragraph A-A3	Not Sustained
Paragraph A-A4	Not Sustained
Paragraph A-A5	Not Sustained

RECOMMENDATIONS

The Hearing Committee unanimously recommends that the Respondent's license to practice medicine be SUSPENDED for a period of two years, that the suspension be STAYED and that a

penalty of One Thousand (\$1,000) Dollars be assessed against the Respondent.

DATED: *December 4*
~~November~~, 1989

Respectfully submitted,

Charlotte S. Buchanan
Charlotte S. Buchanan, Esq., Chairperson

Thomas L. Hawkins, Jr., M.D.
J. LaRue Wiley, M.D.

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

-----X
IN THE MATTER :
OF :
GEORGE F. SIMOR, M.D. :
-----X

COMMISSIONER'S
RECOMMENDATION

TO: Board of Regents
New York State Education Department
State Education Building
Albany, New York

A hearing in the above-entitled proceeding was held on October 12, 1989. Respondent, George F. Simor, M.D., appeared by Anthony V. Scher, Esq. The evidence in support of the charges against the Respondent was presented by Kevin C. Roe, Esq.

NOW, on reading and filing the transcript of the hearing, the exhibits and other evidence, and the findings, conclusions and recommendation of the Committee,

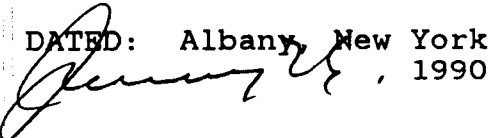
I hereby make the following recommendation to the Board of Regents:


- A. The Findings of Fact and Conclusions of the Committee should be accepted in full;
- B. The Recommendation of the Committee should be modified as follows. In lieu of the \$1,000 fine recommended by the Committee, Respondent should be required to perform 100 hours of community service approved in advance by the Office of Professional Medical Conduct. This penalty is of greater benefit to the public. There is no evidence of Respondent's inability to provide adequate care.

F U T U R E " " " "

C. The Board of Regents should issue an order adopting and incorporating the Findings of Fact and Conclusions and further adopting as its determination the Recommendation described above.

The entire record of the within proceeding is transmitted with this Recommendation.

DATED: Albany, New York
 , 1990


DAVID AXELROD, M.D.
Commissioner of Health
State of New York

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

GEORGE F. SIMOR

CALENDAR NO. 10655



The University of the State of New York

IN THE MATTER

OF

GEORGE F. SIMOR
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 10655

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10655, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (June 22, 1990): That, in the matter of GEORGE F. SIMOR, respondent, the recommendation of the Regents Review Committee be accepted as follows:

1. The hearing committee's findings of fact, conclusions as to the question of respondent's guilt, and recommendation as to the measure of discipline be accepted, and the Commissioner of Health's recommendation as to the hearing committee's findings of fact and conclusions be accepted;
2. The Commissioner of Health's recommendation as to the measure of discipline not be accepted;
3. Respondent is guilty, by a preponderance of the evidence, of the first through fifth specifications of the charges, and not guilty of the sixth through tenth specifications of the charges; and
4. That, in agreement with the hearing committee's recommendation as being a more effective deterrent than the Commissioner of Health's recommendation for the type of misconduct herein, respondent's license to practice

GEORGE F. SIMOR (10655)

as a physician in the State of New York be suspended for two years and respondent be fined \$1,000 upon each specification of the charges of which respondent was found guilty, said suspensions to run concurrently and said fines to be imposed concurrently and to total \$1,000; that execution of said suspensions be stayed; that respondent shall pay the \$1,000 fine imposed, by certified check, to the New York State Education Department, addressed to the Executive Director, Office of Professional Discipline, New York State Education Department, One Park Avenue - 6th floor, New York, New York 10016-5802, within three months after the effective date of the service of the order of the Commissioner of Education to be issued in this matter;

and that the Commissioner of Education be empowered to 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 2nd day of

July, 1990.
Thomas Sobol

Commissioner of Education