



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 22, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stephen C. Thomas, M.D.
4905 76th Street
Lubbock, TX 79424

RE: License No. 176191

Dear Dr. Thomas:

Enclosed please find Order #BPMC 99-41 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 22, 1999**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Travis S. Ware, Esq.
1320 Avenue Q
Lubbock, TX 79401

Robert Bogan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
STEPHEN C. THOMAS, M.D. : BPMC # 99-41

-----X

STEPHEN C. THOMAS, M.D., says:

On or about September 14, 1988, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 176191 by the New York State Education Department.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

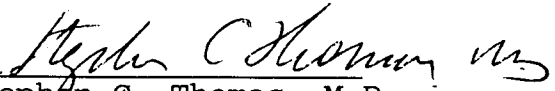
I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and specifications set forth in the Statement of Charges.


I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



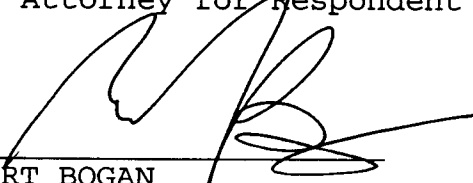
Stephen C. Thomas, M.D.
Respondent



TRAVIS WARE, ESQ.
Attorney for Respondent


AGREED TO:

Date: 10 Feb 99, 1998



ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Feb. 12, 1999, 1998



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of STEPHEN C. THOMAS, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2/17/99



William P. Dillon, M.D.
Chair
State Board for Professional
Medical Conduct

DATED: , 1999
Albany, New York

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

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
STEPHEN C. THOMAS : CHARGES

-----X

Stephen C. Thomas, M.D., the Respondent, was authorized to practice medicine in New York State on September 14, 1988 by the issuance of license number 176191 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. A. On or about November 10, 1998, the Texas State Board of Medical Examiners (hereinafter "Texas Board") entered into an Agreed Temporary Suspension Order (hereinafter "Agreed Texas Order") with the Respondent. Among other things, the Findings of Fact in the Agreed Texas Order indicate that, "Available evidence and information indicates that Respondent wrote prescriptions for Valium and Diazaphan for his fiance and her brother, and then diverted these medications for his own use. He does not maintain any medical records for either his fiance or her brother," "Available evidence and information indicates that on or about October 28, 1998, Respondent admitted to Texas State Medical Board staff ("Board Staff") that on occasion he had relapsed to the use of cocaine in August 1998. He stated that he has limited his use to the weekends," and "Available evidence and information

indicates that Respondent's actions are indicative of intemperate use of alcohol or drugs that, in the opinion of the Board, could endanger the lives of patients."

B. The Conclusions of Law in the Agreed Texas Order described in paragraph A above state, among other things, that, "Respondent appears to have an inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition," and "Respondent appears to have engaged in the intemperate use of alcohol or drugs that, in the opinion of the Board, could endanger the lives of patients."

C. The Agreed Texas Order described in paragraph A and B above "ORDERED...that the Respondent's Texas medical license is hereby Temporarily Suspended and that the allegations related to the Application for Temporarily Suspension of License be the subject of a disciplinary hearing as soon as can be accomplished."

D. The conduct resulting in the Texas Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. N.Y. Education Law Section 6530 (8) [being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects]; and/or

2. N.Y. Education Law Section 6530 (32) [failing to maintain adequate records].

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is guilty of violating N.Y. Education Law Section 6530 (9) (b) by reason of having been 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 could, if committed in New York State, constitute professional misconduct committed in New York State, in that the Petitioner charges the following:

1. The facts in paragraphs A, B, C, and/or D.

SECOND SPECIFICATION

Respondent is guilty of professional misconduct under N.Y. Education Law Section 6530(9) (d) by reason of his having had disciplinary action taken against her by a duly authorized professional disciplinary agency of another state, when 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 the Petitioner charges:

2. The facts in paragraph A, B, C, and/or D.

DATED: *February 10, 1999*
Albany, New York

Peter D. Van Buren

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