



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.

Commissioner

Paula Wilson

Executive Deputy Commissioner

OFFICE OF PUBLIC HEALTH

Lloyd F. Novick, M.D., M.P.H.

Director

Diana Jones Ritter

Executive Deputy Director

April 13, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kevin Roe, Esq.
NYS Department of Health
Bureau of Professional
Medical Conduct
Empire State Plaza
Corning Tower - Room 2438
Albany, New York 12237

Alfred Vincent, M.D.
P.O. Box 219 (800 Fifth Street)
Glen Dale, West Virginia 26038

RE: In the Matter of Alfred Vincent, M.D.

Dear Mr. Roe and Dr. Vincent:

Enclosed please find the Determination and Order (No. 94-52) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

New York State Department of Health
Office of Professional Medical Conduct
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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 than 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 (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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
Corning Tower -Room 2503
Empire State Plaza
Albany, New York 12237-0030

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.

Very truly yours,

Tyrone T. Butler / mmn

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn
Enclosure

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

-----X
IN THE MATTER ; DETERMINATION
OF ; AND
ALFRED VINCENT, M.D. ; ORDER
Respondent ;
-----X No. BPMC 94-52

A Notice of Referral Proceedings and Statement of Charges, both dated January 11, 1994 were served upon the Respondent, Alfred Vincent, M.D.

Joseph K. Myers, Jr., M.D., Chairman, Sister Mary Theresa Murphy and Andrew J. Merritt, M.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. MICHAEL P MCDERMOTT, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on March 16, 1994. The Department of Health appeared by Peter J. Millock, Esq., General Counsel, by Kevin C. Roe, Esq., Associate Counsel of Counsel. The Respondent failed to appear.

Evidence was received 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). The statute provides for an expedited hearing 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 a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b). A copy of the Notice of Referral Proceeding and 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. Numbers in parentheses refer to transcript page numbers or 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. All Hearing Committee findings were unanimous unless otherwise specified.

1. Alfred Vincent, M.D., the Respondent, was authorized to practice medicine in New York State on April 10, 1969, by the issuance of license number 103310 by the New York State Education

Department. The Respondent is not currently registered to practice medicine with the New York State Education Department (Pet's. Ex. 1).

2. By ORDER dated March 11, 1993, The West Virginia Board of medicine found that Respondent's care and treatment of three patients demonstrated a lack of professional competence to practice medicine with a reasonable degree of skill and safety in violation of West Virginia Code 30-3-14(c)(17) and 11 CSR 1A 12.1(i) and failed to conform to the standards of acceptable and prevailing medical practice in violation of West Virginia Code 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j). The West Virginia Board of Medicine revoked Respondent's license to practice medicine and surgery in the State of West Virginia (Pet's Ex. 2).

3. The conduct upon which the West Virginia findings were based would, if committed in New York State, constitute professional misconduct in violation of New York Education Law 6530(3), (4), (5), and/or (6).

SPECIFICATION

The Respondent is charged with 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 would, if committed in New York State, constitute professional misconduct under the laws of New York State in violation of New York Education Law 6530(9)(b).

THE SPECIFICATION IS SUSTAINED.

DETERMINATION OF THE HEARING COMMITTEE

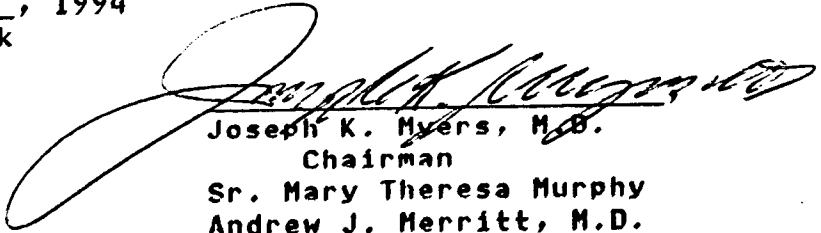
The Hearing Committee determines unanimously (3-0) that the Respondent's license to practice medicine in the State of New York should be **REVOKED**.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is **REVOKED**.
2. This **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: 4/6/94, 1994
Syracuse, New York


Joseph K. Myers, M.D.
Chairman
Sr. Mary Theresa Murphy
Andrew J. Merritt, M.D.

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ALFRED VINCENT, M.D. : CHARGES

-----X

ALFRED VINCENT, M.D., the Respondent, was authorized to practice medicine in New York State on April 10, 1969 by the issuance of license number 103310 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On or about March 11, 1993, the West Virginia Board of Medicine found that Respondent's care and treatment of three patients demonstrated a lack of professional competence to practice medicine with a reasonable degree of skill and safety in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(i) and failed to conform to the standards of acceptable and prevailing medical practice in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j). The West Virginia Board of Medicine revoked Respondent's license to

practice medicine and surgery in the State of West Virginia. The conduct upon which the West Virginia findings were based would, if committed in New York State, constitute professional misconduct in violation of New York Education Law §6530(3), (4), (5), and/or (6).


SPECIFICATION

The Respondent is charged with 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 would, if committed in New York State, constitute professional misconduct under the laws of New York State in violation of New York Education Law §6530(9)(b), in that, Petitioner alleges:

1. The facts in Paragraph A.

DATED: Albany, New York

January 11, 1994



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

DECLARATION OF REASONABLE DILIGENCE

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

IN THE MATTER
OF
ALFRED VINCENT, M.D.

STATE OF WEST VIRGINIA
COUNTY OF MARSHALL

BARBARA BENTLEY KESSLER, the undersigned was on the dates herein mentioned over the age of eighteen years, a resident of the State of WEST VIRGINIA and not a party to this action. I received the within NOTICE OF REFERRAL PROCEEDING AND STATEMENT OF CHARGES

for service upon ALFRED VINCENT, M.D.. I have attempted service at 300 A Street Newark N.J.. After due search, careful inquiry, and diligent attempts at the () dwelling house () usual place of abode () place of business, I have been unable to make delivery of said process on ALFRED VINCENT, M.D.. I further say that I attempted to serve the within process on the following dates and at the times indicated.

On the 3rd day of February 1974, at _____ AM, 2:20 PM
On the 10th day of February 1974, at _____ AM, 1:30 PM
On the 16th day of February 1974, at 10:30 AM, _____ PM

PROCESS IS BEING RETURNED WITHOUT SERVICE FOR THE FOLLOWING REASONS:

NOT FOUND

- () MOVED, FORWARDING ADDRESS UNKNOWN
- () UNKNOWN AT ADDRESS
- () INCORRECT PLACE FOR SERVICE
- () NO SUCH ADDRESS
- () OTHER _____

NON-SERVICE

- () PARTY IS EVADING SERVICE
- (X) PARTY COULD NOT BE SERVED WITHIN THE PRESCRIBED TIME
- (X) OTHER POSSIBLY "IN FLORIDA" OR "NEW ZEALAND".

Please print name below signature

Barbara Bentley Kessler

Sworn to before me this
17th day of February 1974.

Barbara Bentley Kessler
NOTARY PUBLIC



ALEXANDER POOLE & CO., INC.
P.O. BOX 69
ALBANY, N. Y. 12201

(518)436-0895

P 147 412 038



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to Alfred Vincent, M.D.	
Street, P.O. No. Box 219 (800 5th St.) Glendale, West Virginia	
P.O., State and ZIP Code 26038	
Postage	\$52
Certified Fee	100
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	100
TOTAL Postage & Fees	\$252
Postmark or Date 2/25/94	

PS Form 3800, June 1991

AFFIDAVIT OF SERVICE

State of New York
County of Albany
City of Albany

Carol Trzcinski being duly sworn, deposes and says
that she served the Notice of Hearing and Statement of upon
Alfred Vincent, M.D. Charges
by placing a true copy in a
secure postpaid envelope addressed as follows: P.O. Box 219 (800 5th Street)
Glendale, West Virginia 26038

that this material was mailed to the above-named person by certified
mail and was deposited in a post office box regularly maintained by the
United States Government Post Office Department at the Empire State
Plaza, Tower Building, Albany, New York 12220 on the 25th
day of February, 1994; that the address appearing on this
envelope is the last known address of the above named person; and
that at the time of service she was at least eighteen years old.

Carol Trzcinski
Carol Trzcinski

Sworn to before me this
25th day of February, 1994.

Peter D. Van Buren
Notary Public

PETER D. VAN BUREN
NOTARY PUBLIC, State of New York
Qualified in Albany County
Commission Expires 2/28/95, 1995
Roe O.F.A. 4984109.

Certified Mail # P 147 412 038