



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

January 8, 1993

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nelson Walts, R.P.A.
P.O. Box 79
Lake Luzerne, New York 12846-0079

RE: License #001723

Effective Date: 1/9/93

Dear Mr. Walts:

Enclosed please find Order #BPMC 93-03 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Barry Gold, Esq.
Thuillez, Ford, Gold and Conolly
90 State Street
Suite 1500
Albany, New York 12207-1715

Frederick Zimmer, Esq.

bcc: Chris Hyman
Peter VanBuren
Laura Leeds
Kenneth Spooner
Cheryl Ratner
Faith Schottenfelc
Anne Bohenek ✓

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

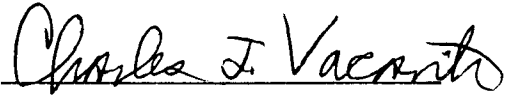
-----X
:
IN THE MATTER :
:
OF :
: ORDER
NELSON EUGENE WALTS, R.P.A. :
: BPMC #92-03
-----X

Upon the application of NELSON EUGENE WALTS, R.P.A.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application 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 Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order by certified mail, whichever
is earliest.

SO ORDERED,

DATED: 5 January 1993


Charles J. Vacanti, M.D..
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
NELSON EUGENE WALTS, R.P.A. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF WARREN) SS.:

NELSON EUGENE WALTS, R.P.A., being duly sworn, deposes and says:

That on or about July 31, 1981, I was registered to practice medicine as a physician's assistant in the State of New York, having been issued Registration No. 001723 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice medicine as a physician's assistant in the State of New York for the period January 1, 1990 through December 31, 1992 with a current registration address of Post Office Box 79, Lake Luzerne, New York 12846-0079.

I understand that the New York State Board of Professional Medical Conduct has charged me with eight Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First through Fourth Specifications in full satisfaction of the charges against me.

I hereby agree to the penalty that my registration to practice medicine as a physician's assistant be suspended for a period of three years and that I perform 100 hours of community service each year for three years beginning on the effective date of the Consent Order. The nature of the community service shall be approved by the Office of Professional Medical Conduct prior to its performance. The suspension of my registration shall be stayed in its entirety conditioned on my complete compliance with Terms of Probation attached hereto as Exhibit B for a period of three years.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary

proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

Nelson E. Walts R.P.A.
NELSON EUGENE WALTS, R.P.A.
RESPONDENT

Sworn to before me this
10th day of November, 1972.

George A. Evens
NOTARY PUBLIC

GEORGE A. EVENS
Notary Public in the State of NY
Residing in Warren County
Commission Expires Oct. 31, 1974

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
NELSON EUGENE WALTS, R.P.A. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: December 16, 1992

Nelson & Walt
NELSON EUGENE WALTS, R.P.A.
RESPONDENT

Date: Dec 16, 1992

Barry A. Gold
BARRY A. GOLD, ESQ.
ATTORNEY FOR RESPONDENT

Date: December 18, 1992

Frederick Zimmer, Esq.
FREDERICK ZIMMER, ESQ.
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Jan. 7, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 5 January 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X

IN THE MATTER : STATEMENT
OF : OF
NELSON EUGENE WALTS, R.P.A. : CHARGES

-----X

NELSON EUGENE WALTS, R.P.A., the Respondent, was authorized to practice medicine as a physician's assistant in New York State on July 31, 1981 by the issuance of license number 001723 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine as a physician's assistant for the period January 1, 1990 through December 31, 1992 with a current registration address of Post Office Box 79, Lake Luzerne, New York 12846-0079.

FACTUAL ALLEGATIONS

A. Respondent was certified to practice as a physician's assistant by the National Commission on Certification of Physician's Assistants, Inc. (hereinafter "NCCPA") in 1981. Respondent's certification expired on June 1, 1985. Respondent did not apply for or complete a recertifying examination as required by NCCPA. Respondent did not apply to reregister and

failed to complete his reregistration requirements, as required by NCCPA, during his last reregistration period of June 1, 1983 through June 1, 1985. Respondent did not apply for or successfully complete NCCPA's Extended Core Examination in Primary Care or Surgery. Respondent was employed as a physician's assistant, at various times from 1986 through 1990, at both Adirondack Regional Hospital, Corinth, New York, and Glens Falls Hospital, Glens Falls, New York.

1. Respondent, on or about April 10, 1990, intentionally submitted an NCCPA certification certificate containing false information to Adirondack Regional Hospital. Respondent knew that the certificate falsely represented that he had completed all of his recertification requirements, exhibited a primary care seal in the upper left hand corner falsely representing that he had successfully completed his NCCPA Extended Core Examination, and falsely represented that his certification expired on June 1, 1990.
2. Respondent on or about December 14, 1989 intentionally submitted an application for reappointment to the adjunct staff at Glens Falls Hospital which Respondent knew falsely represented that he was certified by NCCPA.
3. Respondent intentionally submitted an NCCPA certification certificate containing false information to Glens Falls Hospital. Respondent knew that the certificate falsely represented that he had completed all of his recertification requirements, exhibited a primary care seal in the upper left hand corner falsely representing that he had successfully completed his NCCPA Extended Core Examination, and falsely represented that his certification expired on June 1, 1990.
4. Respondent, in or about August of 1987, submitted an altered copy of a reregistration certificate to Glens Falls Hospital. The copy of the reregistration certificate falsely represented that Respondent's

reregistration certificate expired on June 1, 1987 rather than June 1, 1985.

FIRST THROUGH FOURTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

The Respondent is charged with practicing the profession fraudulently under N.Y. Educ. Law Sec. 6530(2) (McKinney's Supp. 1992), in that:

1. The Petitioner charges the facts in Paragraphs A and A.1.
2. The Petitioner charges the facts in Paragraphs A and A.2.
3. The Petitioner charges the facts in Paragraphs A and A.3.
4. The Petitioner charges the facts in Paragraphs A and A.4.

FIFTH THROUGH EIGHTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine under N.Y. Educ. Law Sec. 6530(20) (McKinney's Supp. 1992), in that:

5. The Petitioner charges the facts in Paragraphs A and A.1.
6. The Petitioner charges the facts in Paragraphs A and A.2.
7. The Petitioner charges the facts in Paragraphs A and A.3.

8. The Petitioner charges the facts in Paragraphs A and A.4.

DATED: Albany, New York
December 17, 1992



Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. NELSON EUGENE WALTS, R.P.A., 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;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. 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;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof 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 or 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;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.