

DOH STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

PUBLIC

Dennis P. Whalen
Executive Deputy Commissioner

May 5, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Anthony M. Benigno, Esq.
NYS Department of Health
Corning Tower Room 2503
Empire State Plaza
Albany, New York 12237

Doyle Clarence Wilson, Jr., P.A.
2619 Blodget Street
Houston, Texas 77004

RE: In the Matter of Doyle Clarence Wilson, Jr., P.A.

Dear Parties:

Enclosed please find the Determination and Order (No.99-91) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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 then 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 (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the 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 penalties other than suspension or revocation 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.

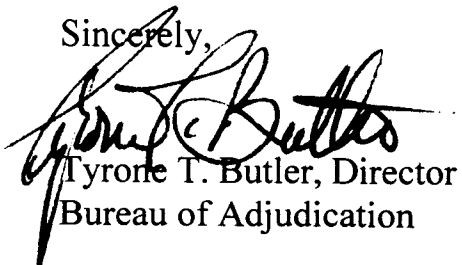
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

COPY

IN THE MATTER

DETERMINATION

OF

AND

DOYLE CLARENCE WILSON, JR., P.A.

ORDER

BPMC-99-91

A Notice of Referral Proceeding and Statement of Charges, both dated February 26, 1999 were served upon the Respondent, **DOYLE CLARENCE WILSON, JR., P.A.**

IRVING CAPLAN, Chairperson, **ANDREW MERRITT, M.D.** and **RICHARD KASULKE, 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.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on March 31, 1999 at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by

ANTHONY M. BENIGNO, ESQ., of Counsel. The Respondent appeared in person on his own behalf.

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 case, 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)(a)(iii). 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 review of the entire record in this matter. Numbers in parenthesis 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 stated.

1. Doyle Clarence Wilson, Jr., P.A., the Respondent, was authorized to practice as a Physician's Assistant in New York State on October 30, 1972 by the issuance of license number 000024 by the New York State Education Department. (Pet's Ex. 3).
2. On April 25, 1980, in the County Criminal Court At Law No. 6 of Harris County, Texas, the Respondent was found guilty of unlawfully appropriating property, of the value of over \$20.00 and under \$200.00, with the intent to deprive the owner of the property, a misdemeanor. He was sentenced to 60 days confinement in jail and fined \$200.00, together with costs, for a total of \$260.00 (Pet's Ex. 4A).

3. On January 8, 1987, in the 209th District Court of Harris County, Texas, the Respondent was found guilty of Criminal Mischief, a misdemeanor. He was sentenced to 6 months confinement in jail and costs of a total of \$90.00 (Pet's Ex. 4B).
4. On March 16, 1988, in the Criminal Court At Law No. 14 of Harris County, Texas, the Respondent was found guilty of driving with a suspended license, a misdemeanor. He was sentenced to 3 days confinement in jail and fined \$400.00, together with costs, for a total of \$502.00 (Pet's Ex. 4D).
5. On October 11, 1995, in the County Criminal Court At Law No. 2 of Harris County, Texas, the Respondent was found guilty of driving with a suspended license, a misdemeanor. He was sentenced to 10 days confinement in jail and a fine of \$100.00, together with costs, for a total of \$305.00 (Pet's Ex. 4D)
6. On October 12, 1993, in the Criminal Court At Law No.8 of Harris County, Texas, the Respondent was found guilty of theft by check between \$200.00 and \$750.00, a crime. He was sentenced to confinement in jail for 4 days and a fine of \$100.00, together with costs, for a total of \$317.00 (Pet's 4E).

7. On March 7, 1994, in the 182 District Court of Harris County, Texas, the Respondent was convicted of Aggravated Assault, a misdemeanor. He was sentenced to 10 days confinement in jail and costs in the amount of \$172.00 (Pet's Ex. 4F).
8. On July 2, 1996, in the Court Criminal Court No. 4 of Harris County, Texas, the Respondent was found guilty of driving while license suspended, a misdemeanor. He was sentenced to 10 days confinement in jail and fined \$200.00, together with costs, for a total of \$372.00 (Pet's Ex. 4G).
9. On May 4, 1994, in the 182nd District Court of Harris County, Texas, the Respondent was found guilty of theft by check, a crime, and sentenced to 2 years confinement in an Institutional Division. (Pet's Ex. H).
10. The acts of which the Respondent was convicted under Texas law in Findings of Facts 2 through 9 above, constitute crimes under New York State Penal Law, Sections 120.00(1), (Assault); Section 145.00(1), (Criminal Mischief, 4th Degree); Sections 155.05 (1)(2) and 155.25 (Petit Larceny) and Section 511(1)(a)(b) of the Vehicle and Traffic Law, (Operating a Motor Vehicle Without a License).

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

Respondent is guilty of violating N.Y. Education Law § 6530 (9) (a) (iii) by reason of having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State Law.

SUSTAINED (3-0).

DETERMINATION OF THE HEARING COMMITTEE

The Respondent has not practiced as a Physician Assistant for more than 20 years and has no apparent intent to return to practice. He stated that he wishes to retain his New York State License because he worked hard for it and is proud of it.

The Respondent has eight convictions for crimes in the State of Texas, and while none of them are within the scope of the Physician Assistant profession, they do reflect a violent nature and raise serious concerns regarding the Respondent's integrity.

The Hearing Committee determines unanimously (3-0), that the Respondent's Physician Assistant license should be **REVOKED**.

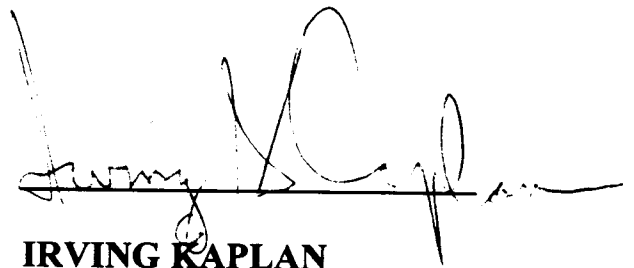
ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice as a Physician Assistant in the State of New York is hereby **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: New York

4-29 1999



**IRVING KAPLAN
CHAIRMAN**

**ANDREW MERRITT, M.D.
RICHARD KASULKE, M.D.**



APPENDIX ONE

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

-----X

IN THE MATTER : NOTICE OF
OF : REFERRAL
DOYLE CLARENCE WILSON, JR., P.A. : PROCEEDING

-----X

TO: Doyle Clarence Wilson, Jr., P.A.
2619 Blodget Street
Houston, TX 77004

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 31 day of March, 1999 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state

law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before March 24, 1999.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before March 24, 1999 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure

Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: Albany, New York
February 26, 1999

Peter D. Van Buren

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

Inquiries should be addressed to:

ROBERT BOGAN
Assistant Counsel
NYS Department of Health
Hedley Park Place
433 River Street, 4th Floor
Troy, New York 12180-2299
(518) 402-0820

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

-----X

IN THE MATTER : STATEMENT
OF : OF
DOYLE CLARENCE WILSON, JR., P.A. : CHARGES

-----X

Doyle Clarence Wilson, Jr., P.A., the Respondent, was authorized to practice medicine in New York State on October 30, 1972 by the issuance of license number 000024 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 25, 1980 in The County Criminal Court At Law No. 6 Of Harris County Texas the Respondent was found guilty of unlawfully, appropriating property, of the value of over \$20 and under \$200, with the intent to deprive the owner of the property, a misdemeanor, and was sentenced to 60 days confinement in jail and a fine of \$200.00 and costs for a total of \$260.00

B. On or about January 8, 1987 in the 209th District Court Of Harris County, Texas the Respondent was found guilty of Criminal Mischief, a misdemeanor, and was sentenced to 6 months confinement in jail and costs of a total of \$90.00

C. On or about March 16, 1988 in The Criminal Court At Law No. 14 Of Harris County, Texas, the Respondent was found guilty of Driving With A Suspended License, a misdemeanor, and was sentenced to 3 days confinement in jail and a fine of \$400.00 together with costs for a total of \$502.00

D. On or about October 11, ¹⁹⁹⁵~~1992~~ in The County Criminal Court At Law No. 2 Of Harris County, Texas, the Respondent was found guilty of Driving while License Suspended, a misdemeanor, and was sentenced to 10 days confinement in jail and a fine of \$100 and costs for a total of \$305.00

E. On or about October 12, 1993 in The Criminal Court At Law No.8 Of Harris County, Texas the Respondent was found guilty of Theft By Check between \$200.00 and \$750.00, a crime and sentenced to confinement in jail for 4 days and a fine of \$100.00 together with costs for a total of \$317.00

F. On or about March 7, 1994 in The 182 District Court Of Harris County, Texas the Respondent was convicted of Aggravated Assault, a misdemeanor, and sentenced to 10 days confinement in jail and costs in the amount of \$172.00.

G. On or about July 2, 1996 in The Count Criminal Court No. 4 Of Harris County, Texas the Respondent was found guilty of Driving While License Suspended, a misdemeanor, and sentenced to 10 days confinement in jail and a fine of \$200.00 together with costs for a total of \$372.00

MAY 4, 1994

18240

H. On or about ~~July 2, 1996~~ in The ~~328th~~ District Court Of Harris County, Texas, the Respondent was found guilty of Theft By Check, a crime, and sentenced to 2 years confinement in an Institutional Division.

I. The acts of which the Respondent was convicted under Texas law in paragraphs A through H above constitute crimes under New York State law.

SPECIFICATIONS

Respondent is guilty of violating N.Y. Education Law § 6530(9)(a)(iii) by reason of having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law in that the Petitioner charges the following:

1. The facts in paragraphs A, B, C, D, E, F, G, H, and/or I.

DATED: *February 26*, 1999
Albany, New York

Peter D. Van Buren

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