



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

December 27, 1994

RECEIVED

JAN 03 1995

OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Dianne Abeloff, Esq., Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza, 6th Floor
New York, New York 10001

William Wright, M.D.
Registration Number 25444-083
Federal Correctional Institution
P.O. Box 1000
Petersburg, Virginia 23804-1000

RE: In the Matter of William Wright, M.D.

Effective Date: 1/3/95

Dear Ms. Bloch and Dr. Wright:

Enclosed please find the Determination and Order (No. 94-273) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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 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), "(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
Empire State Plaza
Corning Tower, Room 2503
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.

Sincerely,

Redacted Signature

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:rlw

Enclosure

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

-----X
**IN THE MATTER : DETERMINATION
OF : AND
WILLIAM WRIGHT JR., M.D. : ORDER**

-----X
BPMC-94-273

A Notice of Hearing and Statement of Charges, both dated September 28, 1994, were served upon the Respondent William Wright Jr., M.D. Eugenia Herbst(Chair), Diana Garneau, M.D., and Robert Strauss, 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. JEFFREY ARMON, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on November 22, 1994. The Department of Health appeared by Dianne Abeloff, Esq., Associate Counsel. The Respondent did not appear. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CHARGES

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, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following findings of Fact were made after a 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.

1. William Wright Jr., M.D. (hereinafter "Respondent") was authorized to practice medicine in New York State on October 29, 1982 by the issuance of license number 152265 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

2. On or about September 27, 1993, in the United States District Court, Eastern District of Virginia, Respondent was sentenced pursuant to his conviction based upon his plea of guilt to: eight counts of unlawfully, knowingly and intentionally distributing and dispensing a Schedule III controlled substance by prescription, in violation of 21 USC 841 (a) (1); eight counts of unlawfully, knowingly and intentionally distributing and dispensing a Schedule II controlled substance by prescription in violation of 21 USC 841 (a) (1); and one count of forfeiture pursuant to 21 USC 853.

Respondent was sentenced to 30 months incarceration and then three years of supervised release.

3. On July 8, 1993, the Director of the Virginia Department of Health Professions suspended Respondent's license to practice medicine in Virginia based upon Respondent's conviction of violations of 23 counts of various sections of Title 21 of the United States Code.

4. Respondent was personally served with the Notice of Hearing and statement of Charges (Dept. Ex. 1) on October 7, 1994.

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that Respondent had been properly served with the Notice of Hearing and Statement of Charges based upon the Affidavit of Personal Service (Dept. Ex. 1), and that it obtained jurisdiction over Respondent in this matter as a result.

The Committee determined that the Department had met its burden of proof by demonstrating by a preponderance of the evidence that the Respondent was convicted of twenty-three counts of violations of Federal law based upon his plea of guilty and further that the Virginia Department of Health Professions took disciplinary action against Respondent's license to practice medicine in that State. The basis for such action was conduct which, had it been committed in New York State, would have constituted professional misconduct pursuant to New York Education Law Section 6530(2) and/or (3) [practicing the profession fraudulently or with negligence on more than one occasion]. Therefore, the Hearing Committee voted to sustain the Specifications of professional misconduct contained within the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

In reaching its determination, the Hearing Committee relied upon the Respondent's plea of guilty to multiple violations of Federal Law, as well as the Order issued by the Virginia Board, which detailed multiple instances of negligent and fraudulent practices by the Respondent in his distribution and prescription of controlled substances. The Committee found Respondent's actions to be so serious, as evidenced by his current incarceration in a Federal Correctional Institution, that revocation of his license to practice medicine in New York State was the only penalty deemed appropriate to adequately protect the public.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED;**
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED.**

DATED: Albany , New York

December 22, 1994

Redacted Signature _____

EUGENIA HERBST (Chair)

**DIANA GARNEAU, M.D.
ROBERT STRAUSS, M.D.**

**TO: Dianne Abeloff, Esq.
Associate Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza-6th Floor
New York, New York 10001**

**William Wright, M.D.
Registration Number 25444-083
Federal Correctional Institution
PO Box 1000
Petersburg, VA 23804-1000**

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

-----X
: IN THE MATTER :
: OF :
: WILLIAM WRIGHT, M.D. :
-----X

NOTICE OF
REFERRAL
PROCEEDING

TO: WILLIAM WRIGHT, M.D.
Registration Number 25444-083
Federal Correctional Institution
PO Box 1000
Petersburg, VA 23804-1000

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 22nd day of November, 1994 at 10:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

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.

PLAINTIFF'S
DEFENDANT'S
COMPANY'S
DEPARTMENT'S
PETITIONER'S
EXHIBIT 1
for identification
in evidence

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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, 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 November 8, 1994 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before November 8, 1994 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 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: New York, New York

September 28, 1994

Redacted Signature

Chris Stern Hyman
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Dianne Abeloff
Associate Counsel
212-613-2615

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

-----X
IN THE MATTER : STATEMENT
OF : OF
WILLIAM WRIGHT, JR., M.D. : CHARGES
-----X

WILLIAM WRIGHT, JR., M.D., the Respondent, was authorized to practice medicine in New York State on October 29, 1982 by the issuance of license number 152265 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FIRST SPECIFICATION

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530 (9)(a)(ii) (McKinney Supp. 1994), in that Respondent was convicted of committing an act constituting a crime under federal law, specifically:

On or about July 8 , 1993, in the United States District Court, Eastern District of Virginia, Respondent was convicted based upon his his plea of guilt to: eight counts of unlawfully, knowingly and intentionally

distributing and dispensing a Schedule III controlled substance by prescription, in violation of 21 USC 841 (a) (1); eight counts of unlawfully, knowingly and intentionally furnishing false and fraudulent information in drug prescriptions, in violation of section 21 USC 843(a) (4) (A); and six counts of unlawfully, knowingly and intentionally distributing and dispensing a Schedule II controlled substance by prescription in violation of 21 USC 841 (a) (1); and one count of forfeiture pursuant to 21 USC 853.

Respondent was sentenced to 30 months incarceration and then three years of supervised release.

SECOND SPECIFICATION

2. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530 (9) (d) (McKinney Supp. 1994), in that Respondent had his license to practice medicine suspended by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension would, if

committed in New York state, constitute professional misconduct under the laws of New York state, specifically:

On July 8, 1993, the Director of the Virginia Department of Health Professions suspended Respondent's license to practice medicine in Virginia based upon Respondent's conviction of violations of 23 counts of various sections of Title 21 of the United States Code. This conduct if committed in New York state would constitute the fraudulent and negligent practice of medicine.

DATED: New York, New York

September 28, 1994

(Redacted Signature)

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct