



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

July 24, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Barry C. Plunkett, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2509
Albany, New York 12237

Emma H. Thompson, M.D.
Sea Island Medical Clinic
P.O. Box 735
Tryne Alley
St. Georges, Grenada

RE: In the Matter of Emma H. Thompson, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 02-230) 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 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.

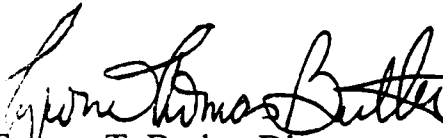
The notice of review served on the Administrative Review Board should be forwarded to:

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,



Tyone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

-----X
IN THE MATTER : DETERMINATION
: :
OF : AND
: :
EMMA H. THOMPSON, M.D. : ORDER
-----X
BPMC #02-230

A Notice of Hearing and Statement of Charges, both dated May 17, 2002, were served upon the Respondent, Emma H. Thompson, M.D. LYON M. GREENBERG, M.D. (CHAIR), MARGERY W. SMITH, M.D., AND NANCY J. MACINTYRE, R.N., Ph.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) (Executive) of the Public Health Law. LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. The Department of Health appeared by Barry C. Plunkett, Esq., Associate Counsel. The Respondent failed to appear in person and was not represented by counsel. 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.

PROCEDURAL HISTORY

Date of Service:	May 21, 2002
Date of Hearing:	June 17, 2002
Answer filed by Respondent:	None
Witnesses for Petitioner:	Michael Waring
Witnesses for Respondent:	None
Deliberations Held:	June 17, 2002

STATEMENT OF CASE

Petitioner has charged Respondent with three specifications of professional misconduct. The charges relate to Respondent's alleged default on various loans undertaken to finance her medical education under the Health Education Assistance Loan Program, her failure to cooperate in Petitioner's investigation of her loan default, and Respondent's failure to notify the New York State Education Department of a change in her registered mailing address. Respondent failed to file a written answer to the charges as required by Public Health Law §230(10)(c). Respondent did submit a letter to Judge Storch via fax on the date of the hearing, in which she admitted to the default. This letter was received into the record as Respondent's Exhibit A.

A copy of the 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 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.

1. Emma H. Thompson, M.D. (hereinafter "Respondent"), was authorized to practice medicine in New York State by the New York State Education Department's issuance of license number 175873 on August 15, 1988. (Ex. #5).

2. Respondent, during the approximate period of 1982 through 1984, borrowed and agreed to repay approximately \$41,147 to aid her medical education under the Health Education Assistance Loan Program. (Ex. 6a; Ex. 6b; Ex. 6c).

3. Respondent failed to comply with her agreement to repay the Health Education Assistance Loans, and on or about October 1, 1992, a judgment was entered against her in the amount of \$51,627.17. (Ex. 6b).

4. Respondent has failed to repay and/or make any arrangements to repay the loans. (Ex. 6b).

5. Respondent, to date, owes Health Education Assistance Loans in excess of \$51,627.17 with interest and/or penalties and/or late payments, continuing to accrue to the present time. (Ex. 6a; Ex. 6b).

6. Respondent failed to comply with two letters requesting interviews sent to Respondent by certified mail dated January 15, 2002, wherein Respondent was required to provide all relevant identifying information and records regarding the loan default, pursuant to New York State Education Law §6530(28). (Ex. 7; Ex. 7a; Ex. 7b; Ex. 7c).

7. Respondent personally signed for the two interview letters on January 30, 2002. (Ex. 7b; Ex. 7c).

8. Respondent has not notified the New York State Education Department of the change of her registered mailing address, as required by New York State Education Law §6502(5). (T. 7; Ex. 5).

CONCLUSIONS OF LAW

Respondent is charged with three specifications alleging professional misconduct within the meaning of Education Law §6530. She failed to file an answer addressing each of the

factual allegations and specifications, as required by Public Health Law §230(10)(c). Accordingly, the factual allegations and specifications set forth in the Statement of Charges are deemed admitted. Moreover, the letter which Respondent faxed to Judge Storch on the morning of the hearing (Respondent's Exhibit A) acknowledged her default. As a result, the Hearing Committee unanimously concluded that the First through Third Specifications of professional misconduct should be sustained.

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 as a physician 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.

Respondent defaulted on a number of student loans undertaken to fund her medical education. Although she has obviously been employed as a physician, both in the United States and in Grenada, she has chosen not to repay those obligations. Respondent is not currently registered to practice

medicine in New York. She failed to appear at the hearing, and presented no credible evidence which might mitigate the sanction imposed by this Committee. Instead, she sent a faxed letter to the Administrative Law Judge on the morning of the hearing, in which she made a variety of self-serving statements. None of these claims can be verified by this Hearing Committee. It is clear from this letter, however, that Respondent has no intention of repaying her loans, and has little interest in maintaining a license to practice medicine in this state. Under the circumstances, the Hearing Committee unanimously determined that revocation is the only appropriate sanction.

ORDER

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

1. The First through Third Specifications of professional misconduct, as set forth in the Statement of Charges, (Petitioner's Exhibit #1) are **SUSTAINED**;
2. Respondent's license to practice medicine as a physician in New York State be and hereby is **REVOKED**;
3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by

certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Troy, New York
7/23, 2002


LYON M. GREENBERG, M.D. (CHAIR)

MARGERY W. SMITH, M.D.
NANCY J. MACINTYRE, R.N., Ph.D.

TO: Barry C. Plunkett, Esq.
Associate Counsel
New York State Department of Health
Corning Tower Building - Room 2509
Empire State Plaza
Albany, New York 12237

Emma H. Thompson, M.D.
Sea Island Medical Clinic
P.O. Box 735
Tryne Alley
St. Georges, Grenada

APPENDIX I

IN THE MATTER
OF
EMMA H. THOMPSON, M.D.

STATEMENT
OF
CHARGES

Emma H. Thompson, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 15, 1988, by the issuance of license number 175873 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. Her last known address and place of employment is Sea Island Medical Clinic, P.O. Box 735, Tryne Alley, St. Georges, Grenada.

FACTUAL ALLEGATIONS

1. Respondent, during the approximate period of 1982 through 1984, borrowed and agreed to repay approximately \$41,147 to aid her medical education under the Health Education Assistance Loan Program.
2. Respondent failed to comply with her agreement to repay the Health Education Assistance Loans, and in or around October 1, 1992, a judgment was entered against her in the amount of \$51,627.17.
3. Respondent has failed to repay and/or make any arrangements to repay the Health Education Assistance Loans.

4. Respondent, to date, owes Health Education Assistance Loans in excess of \$51,627.17 with interest and/or penalties and/or late payments, continuing to accrue to the present time since 1992.
5. Respondent has failed to comply with two requests for interview letters sent to Respondent by certified mail by the New York State Department of Health under date of January 15, 2002, wherein Respondent was required to provide all relevant identifying information and records, under Section 6530(28) of the New York State Education Law concerning Respondent's student loan default. Respondent personally signed for the two request for interview letters on January 30, 2002.
6. Respondent has not notified the New York State Education Department of the change of her registered mailing address nor any subsequent changes of her mailing address that may have to the present time, all pursuant to Section 6502(5) of the New York State Education Law.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional medical misconduct under N.Y. Education Law §6530(42) by reason of her failing to comply with any agreement entered into to aid his medical education, in that Petitioner charges:

1. The facts in Paragraphs 1 and/or 2 and/or 3 and/or 4.

SECOND SPECIFICATION

Respondent is charged with professional medical misconduct under N.Y. Education Law §6530(28) by reason of her failing to respond within 30 days to written communications from the New York State Department of Health to make available any relevant records with respect to an inquiry or complaint about the Respondents' professional misconduct, in that Petitioner charges:

2. The facts in Paragraphs 1 and/or 2 and/or 3 and/or 4 and/or 5.

THIRD SPECIFICATION

Respondent is charged with professional medical misconduct under N.Y. Education Law §6502(5) and 6530(12) by reason of her failing to notify the New York Education Department of any change or changes of her mailing/registered address, in that Petitioner charges:

3. The facts in Paragraph 6.

DATED: May 17, 2002
Albany, New York



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