

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

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IN THE MATTER  
OF  
CEABERT A. GRIFFITH, P.A.  
PM-02-11-5704-A

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COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
HEARING

TO: CEABERT A. GRIFFITH, P.A.  
3021 Avenue I  
Apt. E8  
Brooklyn, NY 11210

The undersigned, Antonia-C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached, hereto, and made a part hereof, has determined that CEABERT A. GRIFFITH, P.A., Respondent, authorized to practice medicine as a Physician Assistant in New York state by a limited permit on or about December 10, 1995, and November 14, 1996, and on or about January 2, 1997, by license number 005629, has been found guilty, based on a plea of guilty, of committing acts constituting a felony under New York state law.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, CEABERT A. GRIFFITH, P.A., Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license to practice medicine. This order shall remain in effect

unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board of Professional Medical Conduct, on the 19<sup>th</sup> day of February, 2003 at 10:00 am in the forenoon at Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York and at such other adjourned dates, times, and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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 hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing

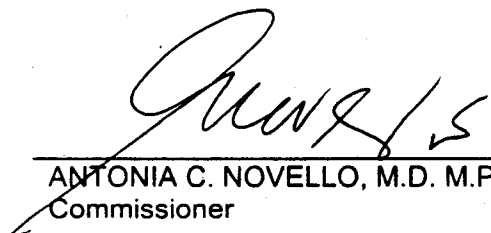
to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180 (518-402-0751), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event that any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO  
PRACTICE MEDICINE IN NEW YORK STATE BE  
REVOKED OR SUSPENDED, AND/OR THAT  
YOU MAY BE FINED OR SUBJECT TO OTHER  
SANCTIONS SET FORTH IN NEW YORK PUBLIC  
HEALTH LAW SECTION 230-A. YOU ARE  
URGED TO OBTAIN AN ATTORNEY FOR THIS  
MATTER.**

DATED: Albany, New York

*JANUARY 17*, 2003

  
ANTONIA C. NOVELLO, M.D. M.P.H, Dr. P.H.,  
Commissioner

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street - Suite 303  
Troy, New York 12180  
(518) 402-0828

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STATEMENT  
OF  
CHARGES

CEABERT A. GRIFFITH, P.A., the Respondent, was authorized to practice medicine as a Physician Assistant in New York state by the issuance of a limited permit on or about December 10, 1995, and November 14, 1996, and on or about January 2, 1997, by the issuance of license number 005629 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 26, 1993, in the City Court of Watertown, New York, Respondent was charged with Driving while intoxicated, in violation of New York State Vehicle and Traffic Law, Section 1192(2) and (3), a misdemeanor, and on or about August 26, 1993, was found guilty, based on a plea of guilty, of a violation of Driving while ability impaired in violation of New York Vehicle and Traffic Law, Section 1192(1), a violation, and was sentenced to a \$300.00 fine and a 90 day suspension of his driver's license.

B. On or about December 6, 1995, Respondent prepared and submitted to the Catholic Medical Center of Brooklyn and Queens, Inc., an application for Initial Appointment wherein he falsely answered "No" to question "(114) Have you ever been the subject of a criminal investigation and/or have there ever been any criminal charges brought against you?"

C. On or about September 4, 1996, in the Criminal Court of the City of New York, County of Kings, New York, Respondent was found guilty, based on a plea of guilty, of Driving while intoxicated, in violation of New York State Vehicle and Traffic Law, Section 1192(3), a misdemeanor, and on or about October 29, 1996, was sentenced to revocation of his driver's license, drinking driver referral, three (3) years probation, a \$500.00 fine, and a \$90.00 surcharge.

D. On or about March 7, 1998, Respondent prepared and submitted to Catholic Medical Center of Brooklyn and Queens, Inc., a Medical/Adjunct Staff Reappointment Application, wherein he falsely answered "No" to question, "Have you ever been the subject of a disciplinary/criminal proceeding or inquiry?"

E. On or about August 17, 1999, Respondent prepared and submitted a Registration Remittance Document to the New York State Education Department, wherein he falsely answered "No" to the question, "2. Since you last filed a registration application: a. Have you been convicted or charged with any crime (felony or misdemeanor) in any state or country, the disposition of which was other than acquittal or dismissal?"

F. On or about May 23, 2002, in the Supreme Court of the State of New York, County of Kings, New York, Respondent was found guilty, based on a plea of guilty, of two (2) counts of Driving while intoxicated, in violation of New York State Vehicle and Traffic Law, Section 1192.2, class E felonies, and on or about September 25, 2002, was sentenced to six (6) months license revocation, thirty (30) days jail, a \$1,000.00 fine, and three (3) years probation.

### **SPECIFICATIONS**

#### **FIRST AND SECOND SPECIFICATIONS**

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph C; and/or
2. The facts in Paragraph F.

#### **THIRD THROUGH FIFTH SPECIFICATIONS**

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

3. The facts in Paragraphs A and/or B.

4. The facts in Paragraphs A, C, and/or D; and/or
5. The facts in Paragraphs C and/or E.

**SIXTH THROUGH EIGHTH SPECIFICATIONS**

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness to practice medicine, in that Petitioner charges:


6. The facts in Paragraphs A and/or B;
7. The facts in Paragraphs A, C, and/or D; and/or
8. The facts in Paragraphs C and/or E.

**NINTH SPECIFICATION**

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, in that Petitioner charges:

9. The facts in Paragraphs C and/or E.

DATED: *January 16*, 2003  
Albany, New York

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