

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

IN THE MATTER
OF
DAVID P. INGALLS, M.D.
CO-03-12-5526-A

PUBLIC

COMMISSIONER'S
ORDER
AND
NOTICE OF
HEARING

TO: DAVID P. INGALLS, M.D.
47 High Road
Newbury, MA 01950

DAVID P. INGALLS, M.D.
128 High Street
Newburyport, MA 01950

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 **DAVID P. INGALLS, M.D.**, Respondent, licensed to practice medicine in New York state on October 27, 1978, by license number 136605, has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, the Commonwealth of Massachusetts, Board of Registration in Medicine, for acts which if committed in New York state, would have constituted a basis for summary action in New York state by engaging in an activity that constitutes an imminent danger to the health of the people.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **DAVID P. INGALLS, M.D.**, 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 22nd day of January, 2004, at 10:00 am in the forenoon at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180. 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. 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 that 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. Respondent has the right 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, 5th 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

December 30, ,2003



DENNIS P. WHALEN
Executive Deputy Commissioner
*For ANTONIA C. NOVELLO, M.D.,
M.P.H., Dr. P.H.
COMMISSIONER OF HEALTH*

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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STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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OF
DAVID P. INGALLS, M.D.
CO-03-12-5526-A

STATEMENT
OF
CHARGES

DAVID P. INGALLS, M.D., the Respondent, was authorized to practice medicine in New York state on October 27, 1978, by the issuance of license number 136605 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 9, 2002, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Statement of Allegations (hereinafter "Massachusetts Allegations 1"), charged Respondent with repeated acts of gross misconduct, misconduct, malpractice, and lack of good moral character, with adolescent female patients.

B. On or about August 21, 2002, the Massachusetts Board, by a Statement of Allegations (hereinafter "Massachusetts Allegations 2"), charged Respondent with gross misconduct, malpractice, and lack of good moral character, with female patients.

C. On or about June 5, 2003, the Commonwealth of Massachusetts, Division of Law Appeals, by a Recommended Decision (hereinafter "Recommended Decision"), recommended "appropriate sanctions" upon Respondent, based on repeated acts of misconduct, gross misconduct, malpractice, and lack of good moral character, with adolescent female patients, based on Massachusetts Allegations 1 and 2, set forth in Paragraphs A and B, above.

D. Between on or about August 7, 2003 and on or about October 24, 2003, Respondent prepared and submitted, to the New York State Education Department, a Delayed Registration Application, wherein he falsely answered "No" to question "1. Since you last registered has any state other than New York instituted charges against you for professional

misconduct, unprofessional conduct, incompetence or negligence or revoked, suspended, or accepted surrender of a professional license held by you?"

E. On or about November 19, 2003, the Massachusetts Board, by a Final Decision & Order, (hereinafter "Massachusetts Order"), Revoked Respondent's license to practice medicine, based on repeated acts of misconduct, gross misconduct, and malpractice, with adolescent female patients, based on the Massachusetts Recommended Decision, set forth in Paragraph C, above, based on Massachusetts Allegations 1 and 2, set forth in Paragraphs A and B, above.

F. The conduct resulting in the Massachusetts Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(20) (moral unfitness);
5. New York Education Law §6530(26) (performing professional services which have not been duly authorized);
6. New York Education Law §6530(31) (willfully harassing, abusing, or intimidating a patient); and/or
7. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS

FIRST SPECIFICATION

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

1. The facts in Paragraphs A, B, C, and/or D.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A, B, C, E, and/or F.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

3. The facts in Paragraphs A, B, C, E, and/or F.

FOURTH SPECIFICATION

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

4. The facts in Paragraphs A, B, C, and/or D.

FIFTH SPECIFICATION

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

5. The facts in Paragraphs A, B, C, and/or D.

DATED: *Dec. 30*, 2003
Albany, New York

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