



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Karen Schimke  
*Executive Deputy Commissioner*

May 2, 1996

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Kevin P. Donovan, Esq.  
NYS Department of Health  
Corning Tower-Room 2438  
Empire State Plaza  
Albany, New York 12237

Adolphus Reid Allison, Jr., M.D.  
67 Mooring Buoy  
Hilton Head, South Carolina 29928

**RE: In the Matter of Adolphus Reid Allison, Jr., M.D.**

Dear Mr. Donovan and Dr. Allison:

Enclosed please find the Determination and Order (No. 96-106) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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), "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 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.

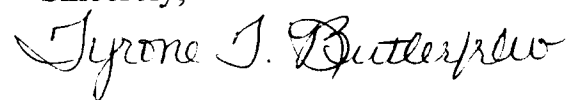
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

**COPY**

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

**IN THE MATTER**  
**-OF-**  
**ADOLPHUS REID ALLISON, JR. M.D.**  
**Respondent**

DETERMINATION

AND

ORDER

BPMC-96-106

A Notice of Referral Proceeding and Statement of Charges, both dated January 24, 1996, were served upon the Respondent, Adolphus Reid Allison, Jr., M.D. **ARSENIO G. AGOPOVICH, M.D. (Chair), ARTHUR J. SEGAL, M.D. and JOHN T. VERNIEU** 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 W. KIMMER, ESQ., ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Kevin P. Donovan, Esq., Associate Counsel. The Respondent failed to appear in person and was not represented by counsel. Evidence was received, statements were heard 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). This statute provides for an expedited proceeding 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 prior professional disciplinary action or criminal conviction. The scope of this expedited proceeding 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 § 6530(9)(b) (found guilty of misconduct by another state) and Education Law §6530(9)(d) (disciplinary action taken against the license by another state). The charges herein arise from Respondent falsifying his license application for Montana and his application for reactivation for South Carolina. Specifically, he lied by answering "no" in response to a question on whether or not he had ever had his hospital privileges suspended or revoked. The allegations in this proceeding are more particularly set forth in the Statement of Charges, a copy of which is attached to this Determination and Order as Appendix One.

## **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 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. ADOLPHUS REID ALLISON, JR. , M.D.(hereinafter, "Respondent"), was licensed to practice medicine in New York State on June 16, 1959, by the issuance of license number 082455 by the New York State Education Department. (Pet. Ex. #2).
2. On or about April 3, 1995, Respondent was found to have committed unprofessional conduct by the Board of Medical Examiners, Department of Commerce, State of Montana. (Pet. Ex. #3)
3. The State of Montana based its determination on the fact that the Respondent lied on his Montana application for medical licensure. (Pet. Ex. # 3)
4. The State of Montana denied the Respondent a permanent license. (Pet. Ex. # 3)
5. On or about May 17, 1995, Respondent was found to have committed unprofessional conduct by the Board of Medical Examiners, South Carolina Department of Labor. (Pet. Exs. 4 and 6)
6. The State of South Carolina based its determination on the fact that the Respondent lied on his South Carolina application for reactivation of his medical license. (Pet. Ex. 4)
7. The State of South Carolina publicly reprimanded the Respondent and fined him One Thousand Dollars (\$1,000.00). ( Pet. Ex. 4)

### **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 Hearing Committee concluded that the Department has sustained its burden of proof in this matter. The preponderance of the evidence demonstrates that Respondent was both found guilty of professional misconduct and had disciplinary action taken or had his application for a license refused by a professional disciplinary agency of another state. The underlying conduct which was the basis for the finding by Montana and South Carolina would constitute professional misconduct in New York. Specifically, the Hearing Committee found the Respondent's actions would fall within the definitions of misconduct set forth at N.Y. Education Law §6530(2) (Practicing the profession fraudulently) and N.Y. Education Law §6530(20) (Conduct which evidences moral unfitness).

#### **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.

The Hearing Committee views the fraud committed by the Respondent to be of the utmost seriousness. The Respondent admitted he lied and hoped he would not get caught. He also admitted to lying in the past on applications to other states. This was not an oversight on the Respondent's part. The Hearing Committee views such conduct as evidence of a lack of moral fitness for the practice of medicine. It is the Hearing

Committee's duty to protect the consumers of medical services of this state. The practice of medicine is a privilege to be bestowed on those who warrant it. The Respondent has showed that he does not possess the necessary good moral character to be allowed to exercise this privilege. The Hearing Committee unanimously determined that a person capable of such conduct should not be afforded the privilege of practicing medicine in New York and that revocation is the only appropriate sanction under the circumstances.

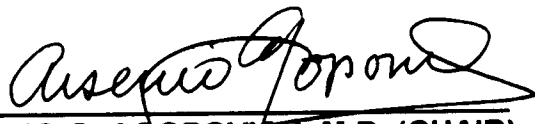
**ORDER**

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

1. The First through Fourth Specifications of professional misconduct, as set forth in the Statement of Charges (Appendix I) are **SUSTAINED**;
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

**DATED: Albany, New York**

*April 29*, 1996

  
**ARSENIO G. AGOPOVICH, M.D. (CHAIR)**  
Arthur J. Segal, M.D.  
John T. Vernieu



**TO: KEVIN P. DONOVAN , ESQ.**  
Associate Counsel  
Bureau of Professional Medical Conduct  
New York State Department of Health  
Corning Tower Building  
Empire State Plaza  
Albany, N.Y. 12237

**ADOLPHUS REID ALLISON, JR., M.D.**  
67 Mooring Buoy  
Hilton Head, South Carolina 29928

**APPENDIX ONE**

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

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IN THE MATTER : STATEMENT  
OF : OF  
ADOLPHUS REID ALLISON JR., M.D. : CHARGES

-----X

ADOLPHUS REID ALLISON JR., M.D., the Respondent, was authorized to practice medicine in New York State on June 16, 1959, by the issuance of license number 082455 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. By Order dated April 3, 1995, the Board of Medical Examiners for the State of Montana, found that Respondent had committed unprofessional conduct, namely fraud, by denying on his application for licensure as a physician, that his hospital privileges has been revoked or placed on probation, when both circumstances had occurred; Respondent was denied a permanent license, but was issued a temporary license subject to monitoring by a physician approved by the Board.

B. By final order dated May 17, 1995, of the Board of Medical Examiners of South Carolina, Respondent was found to have falsely denied on an Application for Reactivation having his hospital privileges revoked or restricted in any way when both circumstances had occurred; Respondent was issued a public reprimand and was fined \$1,000.00.

C. The conduct of which Respondent was found guilty in Montana and/or South Carolina would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely fraud within the meaning of New York Education Law §6530(2) (McKinney Supp. 1996), and moral unfitness within the meaning of New York Education Law §6530(20) (McKinney Supp. 1996).

SPECIFICATIONS OF MISCONDUCT  
FIRST AND SECOND SPECIFICATIONS

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(b) (McKinney Supp. 1996) in that he was 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:

1. The facts of paragraphs A and C.
2. The facts in paragraphs B and C.

THIRD AND FOURTH SPECIFICATIONS


DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1996) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of

another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

3. The facts of paragraphs A and C.
4. The facts in paragraphs B and C.

DATED: *January 24*, 1996  
Albany, New York

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