



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

October 24, 1991

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Judson K. Albaugh, M.D.
101 Clifton Boulevard
Binghamton, New York 13903

RE: License No. 074727

Dear Dr. Albaugh:

Enclosed please find Order #BPMC 91-03 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: John Moss Hinchcliff, Esq.
The Commons
101 North Tioga Street
Suite 205
Ithaca, New York 14850

Kevin P. Donovan, Esq.

bcc: Chris Hyman
Peter VanBuren
Peter Slocum
Kenneth Spooner
Vincent Martiniano
Anne Bohenek

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

-----X

IN THE MATTER :
OF : ORDER
JUDSON ALBAUGH, M.D. : #BPMC 91-03

-----X

Upon the application of JUDSON ALBAUGH, M.D., which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or seven days after mailing by certified mail.

SO ORDERED,

DATED: 14 October 1991

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER

OF

JUDSON ALBAUGH, M.D.

: APPLICATION TO

: SURRENDER

: LICENSE
:

STATE OF NEW YORK)

SS.:

COUNTY OF TOMPKINS)

JUDSON ALBAUGH, M.D., being duly sworn, deposes and says:

On or about January 22, 1954, I was licensed to practice as a physician in the State of New York having been issued License No. 07427 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with Twelve Specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct (the Board) for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the first and second specifications.

I hereby make this application to the Board and request that it be granted.

I understand that, in the event that the application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my application, the Board shall issue an order of surrender, to have my name removed from the roster of physicians in the State of New York without further notice to me.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Judson Albaugh, M.D.
JUDSON ALBAUGH, M.D.
Respondent

Sworn to before me this
day of , 1991

[Handwritten signature]

NOTARY PUBLIC

JOHN MOSS HINCHCLIFF
Notary Public, State of New York
No. 4794203
Qualified in Tompkins County
Commission Expires March 30, 19__

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

IN THE MATTER

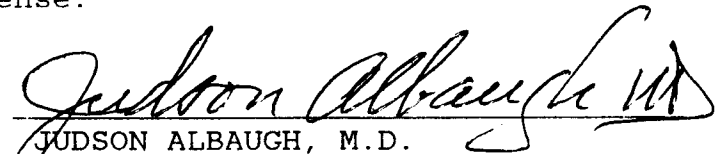
OF

JUDSON ALBAUGH, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the Respondent to surrender license.


Date: Aug 30, 1991


JUDSON ALBAUGH, M.D.
Respondent


Date: _____, 1991

JOHN MOSS HINCHCLIFF
Attorney for Respondent

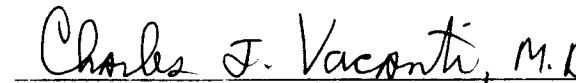
Date: Aug. 21, 1991


KEVIN P. DONOVAN
Assistant Counsel
NYS Department of Health

Date: Sept. 27, 1991


KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: Sept. 27, 1991


CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : STATEMENT
OF : OF
JUDSON K. ALBAUGH : CHARGES
-----X

JUDSON K. ALBAUGH, the Respondent, was authorized to practice medicine in New York State on January 22, 1954 by the issuance of license number 074727 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last registered address with the New York State Education Department was 101 Clifton Boulevard Binghamton, New York 13903.

FACTUAL ALLEGATIONS

A. The Respondent was seen by Patient A (patients are identified in the Appendix A) for psychiatric care, first as an inpatient and afterwards for therapy sessions, at Wilson Hospital, 33-57 Harrison Street, Johnson City, New York 13790. Respondent's office was located at Wilson Hospital.

1. The Respondent failed to maintain an appropriate therapeutic relationship with Patient A by giving gifts to her and/or receiving gifts from her.

2. The Respondent engaged in physical contact of a sexual nature with Patient A on dates in 1981 to 1986.
3. The Respondent's records of his treatment and evaluation of Patient A do not reflect the actual evaluation and treatment of Patient A.
4. The Respondent failed to appropriately respond to a communication from family members of Patient A that Patient A ingested a large quantity of medication and was unconscious in or about 1981.
5. The Respondent failed to appropriately treat Patient A for his diagnosis of her, and/or appropriately following up the care Patient A received while an inpatient at the Institute of Living.

B. The Respondent treated Patient B at his office from on or about October 1985, to May 1986.

1. The Respondent revealed personally identifiable facts, data, and/or information obtained from Patient B in his professional capacity without prior consent of Patient B.
2. Respondent failed to maintain a record for Patient B which accurately reflects his evaluation and treatment of Patient B.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

SEXUAL CONTACT WITH PATIENT

The Respondent is charged with engaging in physical contact of a sexual nature with a patient in violation of N.Y. Educ. Law §6530(44) (as added by ch. 606, Laws of 1991) [formerly N.Y. Educ. Law §6509(9)(McKinney 1985) and 8 NYCRR 29.1(b)(5)(1987) and 8 NYCRR 29.4(a)(5)(1980)] in that the petitioner charges:

1. The facts in paragraphs A and A.2.

SECOND THROUGH FIFTH SPECIFICATIONS

PRACTICING WITH GROSS NEGLIGENCE

The Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law §6530(4) (as added by ch. 606, Laws of 1991) [formerly N.Y. Educ. Law §6509(2)(McKinney 1985)] in that petitioner charges:

2. The facts of paragraphs A and A.1.
3. The facts of paragraphs A and A.2.
4. The facts of paragraphs A and A.4.
5. The facts of paragraphs A and A.5.

SIXTH THROUGH NINTH SPECIFICATIONS

PRACTICING WITH GROSS INCOMPETENCE

The Respondent is charged with practicing the profession with gross incompetence under N.Y. Educ. Law §6530(6) (as added by ch. 606, Laws of 1991) [formerly N.Y. Educ. Law §6509(2)(McKinney 1985)] in that petitioner charges:

6. The facts of paragraphs A and A.1.
7. The facts of paragraphs A and A.2.
8. The facts of paragraphs A and A.4.
9. The facts of paragraphs A and A.5.

TENTH SPECIFICATION

UNAUTHORIZED DISCLOSURE OF PATIENT INFORMATION

The Respondent is charged with revealing personally identifiable facts, data or information obtained in his professional capacity without the prior consent of the patient in violation of N.Y. Educ. Law §6530(23) (as added by ch. 606, Laws of 1991) [formerly N.Y. Educ. Law §6509(9)(McKinney 1985) and 8 NYCRR 29.1(b)(8)(1987)] in that petitioner charges:

10. The facts in paragraphs B and B.1.

ELEVENTH AND TWELFTH SPECIFICATIONS

INADEQUATE MEDICAL RECORDS

The Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in violation of N.Y. Educ. Law §6530(32) (added by ch. 606, Laws of 1991) [formerly N.Y. Educ. Law §6509(9)(McKinney 1985) and 8 NYCRR Section 29.2(a)(3)(1989)] in that the petitioner charges:

11. The facts in paragraphs A and A.3.
12. The facts in paragraphs B and B.2.

DATED: Albany, New York

August 21, 1941

Peter D. Van Buren

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