



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
Executive Deputy Commissioner

December 4, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Valerie Donovan, Esq.
New York State Department of Health
Corning Tower - Room 2503
Empire State Plaza
Albany, New York 12237

Marie E. Clark, D.O.
3543 Providence Road
Newtown Square, Pennsylvania 19073

RE: In the Matter of Marie E. Clark, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 97-291) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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,

A handwritten signature in cursive script that reads "Tyrone T. Butler" followed by a stylized flourish.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:lcc
Enclosure

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

COPY

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IN THE MATTER

OF

MARIE E. CLARK, D.O.

ORDER

BPMC - 97-291

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A Notice of Hearing and Statement of Charges, both dated October 8, 1997, were served upon the Respondent, Marie E. Clark, D.O. JOSEPH G. CHANATRY, M.D. (Chair), MARGERY W. SMITH, M.D., and MICHAEL J. BROWN, R.P.A., 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. LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. A hearing was held on December 3, 1997. The Department of Health appeared by Valerie Donovan, Esq. 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. The Hearing Committee rendered its Determination on the record at the close of the proceedings. The Hearing Committee determined that the Respondent was guilty of three specifications of professional misconduct as set forth in the Statement of Charges, a copy of which is attached to this Order in Appendix I. The Committee further determined that the Respondent's license to practice medicine in New York State should be revoked in satisfaction of these charges.

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** commencing on the effective date of this Determination and Order;
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: Albany, New York
December 3, 1997**

Joseph G. Chanatry, M.D.
JOSEPH G. CHANATRY, M.D. (CHAIR)

**MARGERY W. SMITH, M.D.
MICHAEL J. BROWN, R.P.A.**

TO: Valerie Donovan, Esq.
Attorney
New York State Department of Health
Corning Tower - Room 2503
New York, New York 10001

Marie E. Clark, D.O.
3543 Providence Road
Newtown Square, Pennsylvania 19073

APPENDIX I

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

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IN THE MATTER : STATEMENT
OF : OF
MARIE E. CLARKE D.O. : CHARGES

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MARIE E. CLARKE, D.O., the Respondent, was authorized to practice medicine in New York State on February 2, 1993 by the issuance of license number 191302 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. Respondent practiced general medicine in Potsdam, New York in a solo practice from on or about 1993 to on or about November 1994. During that time, she was not affiliated with any hospital.

1. Sometime between October and December of 1994, Respondent abruptly left her practice and the Potsdam area.

2. When Respondent left, she did not inform her patients that she was leaving and did not provide any information regarding her whereabouts or the whereabouts of her medical records. She also did not provide the Department of Education with any change in her mailing address.

3. On or about May 31, 1995, letters were mailed to Respondent in West Stockholm, New York (where Respondent reportedly had an apartment) and in Newtown Square, Pennsylvania

(her sister's address, her last known address prior to moving to Potsdam and the address she listed as her temporary mailing address on her New York licensing application). The letters requested that Respondent contact the Bureau of Professional Medical Conduct (PMC) as soon as possible so that PMC could ascertain the location of several patients' medical records. Respondent did not respond to either letter.

4. On or about July 9, 1996, a certified letter was sent to Respondent in Rockville Centre (an address obtained from the New York State Department of Motor Vehicles) asking her to contact PMC as soon as possible to discuss a confidential matter. The letter was returned as unclaimed.

5. Despite efforts made by the Bureau of Professional Medical Conduct and the Canton Potsdam Hospital, neither Respondent nor her medical records have been located since she left the Potsdam area.

SPECIFICATIONS

FIRST SPECIFICATION

FAILING TO RESPOND TO A WRITTEN COMMUNICATION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(28) (McKinney Supp. 1997) by reason of her failing to respond within thirty days to a written communication from the Department of Health with respect to an inquiry about the Respondent's professional misconduct, in that Petitioner charges:

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

SECOND SPECIFICATION

FAILURE TO MAINTAIN PATIENT RECORDS

Respondent is charged with professional misconduct under N.Y. Education Law §6530(32) (McKinney Supp. 1997) by reason of her failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

1. The facts in paragraphs A and/or A.1 and/or A.2 and/or A.3 and/or A.5.


THIRD SPECIFICATION

FAILURE TO NOTIFY OF CHANGE OF ADDRESS

Respondent is charged with professional misconduct under N.Y. Education Law §6530(12) (McKinney Supp. 1997) by reason of her willful failure to notify the Department of Education of the change in her mailing address, in that Petitioner charges:

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

DATED: October 8, 1997
Albany, New York


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