



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

November 19, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Clayton Charles Connolly, M.D.
50 Saddleback Trail
Rochester, NY 14624

RE: License No.: 107577

Dear Dr. Connolly:

Enclosed please find **corrected** Order #BPMC 99-264 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 2, 1999**.

Sincerely,

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Judith M. Norman, Esq.
Nixon Peabody LLP
Clinton Square
P.O. Box 1051
Rochester, NY 14603-1051

William Lynch, Esq.

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

-----X
IN THE MATTER : SURRENDER
OF : ORDER
CLAYTON CHARLES CONNOLLY, M.D. : BPMC #99-264
-----X

CLAYTON CHARLES CONNOLLY, M.D., says:

On or about November 25, 1970, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 107577 by the New York State Education Department. My address is 50 Saddleback Trail, Rochester, New York 14624.

I understand that I have been charged with one specification 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 for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I do not contest the specification set forth in the Statement of Charges.

In consideration of the Board's acceptance of this Surrender Order, I agree that I shall not in the future apply for, or seek the restoration of a license to practice medicine in New York, nor shall I seek to register a medical license in New York.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for

Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.


I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Date: Oct 13, 1999



~~CLAYTON BOWEN CONNOLLY, M.D.~~
Respondent **CHARLES**

AGREED TO:

Date: Oct. 13, 1999


~~JUDITH NORMAN, Esq.~~
~~NIXON HARGRAVE DEVANS & DOYLE, LLP~~
Attorney for Respondent **Perbody**

Date: October 19, 1999


~~WILLIAM J. LYNCH, Senior Attorney~~
Bureau of Professional Medical Conduct

Date: October 24, 1999


~~ANNE F. SAILE, Director~~
Office of Professional Medical Conduct

ORDER

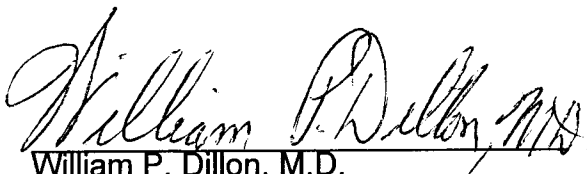
Upon the proposed agreement of CLAYTON CHARLES CONNOLLY, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10/28/99



William P. Dillon, M.D.
Chair
State Board for Professional
Medical Conduct

APPENDIX

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to OPMC at Hedley Park Place, 433 River Street 4th Floor, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the

reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230 a1. of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.

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

-----X
IN THE MATTER : STATEMENT
OF : OF
CLAYTON CHARLES CONNOLLY, M.D. : CHARGES
-----X

Clayton Charles Connolly, M.D., the Respondent, was authorized to practice medicine in New York State on November 25, 1970 by the issuance of license number 107577 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period February 1, 1998, through January 31, 2000, and resides at 50 Saddleback Trail, Rochester, New York 14624.

FACTUAL ALLEGATIONS

- A. Between approximately September 1997 and June 1998, Respondent practiced medicine at St. John's Nursing Home in Rochester, New York while impaired by bipolar disorder.
- B. Between approximately July 1998 and November 1998, Respondent practiced medicine at the office of Paul Cheraski, M.D., in Rochester, New York while impaired by bipolar disorder.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION
PRACTICING WHILE IMPAIRED BY MENTAL DISABILITY

Respondent is charged with professional misconduct under N.Y. Educ. Law section 6530(7) by reason of his having practiced medicine while impaired by mental disability in that Petitioner charges the facts in paragraphs A and B.

DATED: *October 19, 1999*
Albany, New York

Peter D. Van Buren

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