

**These charges are only allegations which
may be contested by the licensee in an
administrative hearing.**

IN THE MATTER
OF
JOHN DONALD BRAY-MORRIS, M.D.

STATEMENT
OF
CHARGES

JOHN DONALD BRAY-MORRIS, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 14, 1995, by the issuance of license number 201332 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about July 3, 2018, the New Mexico Medical Board ("Board") issued an Order based on an Agreed Order for Voluntary Surrender of License ("Surrender Agreement"), signed by Respondent on or about June 5, 2018.

- B. The Surrender Agreement addressed allegations that Respondent had:
 - 1. violated prior Board stipulations and orders by unlawfully using mind-altering substances, and by willfully failing to subject himself to urine drug screenings as required by the Board;
 - 2. forged signatures on urine drug screening forms;
 - 3. prescribed large and varied amounts of controlled substances without adequate medical justification;
 - 4. engaged in injudicious and non-therapeutic prescribing of controlled substances;
 - 5. failed to screen patients for substance abuse disorders;
 - 6. diverted controlled substances for his own use;
 - 7. failed to maintain complete and accurate records, and falsifying records to justify prescribing of controlled substances;

8. paid subordinates to create and/or complete medical records on his behalf;
9. sexually harassed one or more members of his staff;
10. left the office for extended periods during patient examination and/or treatment;
11. engaged in disruptive behavior while practicing;
12. failed to be honest and forthright to Board investigators as to his use of controlled substances; and
13. failed to obtain prescription monitoring reports as legally required.

C. Although Respondent did not admit to the charges, he agreed to voluntarily surrender his New Mexico medical license and accepted a permanent bar against practice in New Mexico unless he provided the Board with satisfactory evidence of complete and continuous sobriety during an 18-24 month period following entry of the order, and to pay certain fines and fees.

D. The conduct resulting in the Board's Order against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law §§ 6530(2) (fraudulent practice), (3) (negligence), (8) (habitual user), (15) (failure to comply with a board order), (20) (moral unfitness), (30) (patient abandonment) and/or (32) failure to maintain a record).

E. On or about September 12, 2017, in the Santa Fe County Magistrate Court in Santa Fe, New Mexico, Respondent was convicted of one count of reckless driving, a misdemeanor. Respondent was sentenced to ninety days' confinement (which was suspended), unsupervised probation for a period of ninety days, and required to pay fines and fees totaling one hundred eighty-one (\$181) dollars.

F. The conviction was for a crime which, had it been committed in New York, would have been a crime pursuant to § 1212 of the New York State Vehicle and Traffic Law.

G. BPMC Order No. 13-387 was issued on or about November 21, 2013, based on a Consent Agreement signed by Respondent on or about November 12, 2013. Pursuant to the Consent Agreement, Respondent agreed to be subject to an indefinite suspension of at least twelve months, together with other terms. The Order arose from Respondent's prior discipline by the New Mexico Board of Medicine for failure to abide by an earlier order.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530(2) (fraudulent practice), (3) (negligence), (8) (habitual user), (15) (failure to comply with a board order), (20) (moral unfitness), (30) (patient abandonment) and/or (32) failure to maintain a record), as alleged in the facts of the following:

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


SECOND SPECIFICATION

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely § 1212 of the New York State Vehicle and Traffic Law, as alleged in the facts of the following:

2. The facts in Paragraphs E and F.

DATE: July 14, 2020
Albany, New York



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct