



ANDREW M. CUOMO  
Governor

Department  
of Health

Public

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

May 12, 2015

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Cathy Carron, M.D.



Cathy Carron, M.D.  
86 Trinity Place  
New York, New York 10006

Roland R. Acevedo, Esq.  
Scoppetta, Seiff, Kretz & Abercrombie  
444 Madison Avenue – 30<sup>th</sup> Floor  
New York, New York 10022-6926

Paul Tsui, Esq.  
NYS Department of Health  
ESP – Coming Tower – Room 2512  
Albany, New York 12237

**RE: In the Matter of Cathy Carron, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 15-119) 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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent or the Department may seek a review of a committee determination.

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.

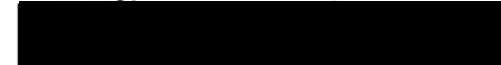
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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 black rectangular redaction box covering the signature of James F. Horan.

James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah

Enclosure

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

IN THE MATTER  
OF  
CATHY CARRON, M.D.  
CO-14-01-0438A

DETERMINATION  
AND  
ORDER

BPMC #15-119

COPY

A hearing was held on April 23, 2015, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and Statement of Charges, both dated January 26, 2015, were served upon the Respondent, **Cathy Carron, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Mohammad-Reza Ghazi-Moghadam, M.D.**, Chair, **Eleanor C. Kane, M.D.**, and **Richard H. Edmonds, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **James E. Dering, Esq.**, General Counsel, by **Paul Tsui, Esq.**, of Counsel. The Respondent, **Cathy Carron, M.D.**, did appear with her attorney, **Roland R. Acevedo, Esq.** of the New York City firm of **Scoppetta, Seiff, Kretz & Abercrombie**.

Evidence was received 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). The statute provides for an expedited hearing when 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 a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(a)(i) – by having been convicted of committing an act constituting a crime under the law of New York State.

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to 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. All Hearing Committee findings were unanimous.

1. **Cathy Carron, M.D.**, the Respondent, did appear at the hearing and was duly served and notified of the hearing by personal service of process on February 4, 2015. (Petitioner's Exhibit 2)
2. **Cathy Carron, M.D.**, the Respondent, was authorized to practice medicine in New York State on August 26, 1986, by the issuance of license number 167623 by the New York State Education Department. (Petitioner's Ex. 3)
3. On or about November 26, 2013, in the East Hampton Justice Court, County of Suffolk, State of New York, Respondent was found guilty, based on a Jury verdict, of Driving While Intoxicated, in violation of New York Vehicle and Traffic Law, §1192(3), a misdemeanor. (Petitioner's Ex. 4)
4. For the above crime the Respondent was sentenced on February 20, 2014, to three years of probation, a six-month driver's license revocation, a one-year of ignition interlock, and a \$1,000.00 fine. (Petitioner's Ex. 4)

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATION**

"Respondent violated New York State Education Law §6530 (9) (a)(i) by having been convicted of committing an act constituting a crime under the law of New York State..."

VOTE: Sustained (3-0)

**HEARING COMMITTEE DETERMINATION**

The Respondent did appear at the hearing, with counsel. There was no dispute about jurisdiction. The Administrative Law Judge noted the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), and ruled that the Petitioner had met the requirements of law for service of process

The record and the documentation submitted at the hearing herein shows that, on or about November 26, 2013, in the East Hampton Justice Court, County of Suffolk, State of New York, Respondent was found guilty, based on a jury verdict, of Driving While Intoxicated, in violation of New York Vehicle and Traffic Law, §1192(3), a misdemeanor.

There was no dispute about the underlying facts in this case. The Appellant did not testify and her attorney acknowledged her conviction for Driving While Intoxicated.

Attorney Acevedo did present letters from two Psychiatrists, Doctors Edward Haas and Neil Goldman. (Respondent's Exhibits A and B) The letter from Doctor Haas, dated August 22, 2014, found the Respondent's use of alcohol to be moderate and well controlled. In addition, Doctor Haas mentioned that Respondent's use of alcohol would not impact in any way on the care of her patients. (See Exhibit A) Doctor Goldman's letter of March 12, 2015 is more recent. Doctor Goldman indicated that he is board certified in Addiction Psychiatry and that he did a thorough psychosocial history of the Respondent and subjected her to thorough screening. Doctor Goldman concluded that the Respondent does not have an alcohol use disorder and that she is not in need of any treatment for an alcohol use disorder. (See Exhibit B

The Hearing Committee considered the above letters and noted that there has been no suggestion of any harm to patients in this case and, as was pointed out by Mr. Acevedo, that this is the Respondent's first and only criminal conviction. As to the penalty, the Department's attorney recommended a Censure and Reprimand and a fine. The Hearing Committee determined, unanimously, that the Respondent has already paid for this offense and, while considering the full range of penalties, determined that a Censure and Reprimand with no fine would be appropriate in this case.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The Specification of professional misconduct, as set forth in the Statement of Charges, is **SUSTAINED**

2. The Respondent is censured and reprimanded for commission of a misdemeanor under New York State Law .
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Amsterdam, New York

May 11<sup>th</sup>, 2015

  
Mohammad-Reza Ghazi-Moghadam, M.D.

Eleanor C. Kane, M.D.  
Richard H. Edmonds, Ph.D.,

To:

Cathy Carron, M.D.  


Cathy Carron, M.D.  
86 Trinity Place  
New York, New York 10006

Roland R. Acevedo, Esq.  
Scoppetta, Selff, Kretz & Abercrombie.  
444 Madison Avenue, 30<sup>th</sup> Floor  
New York, NY 10022-6926

Paul Tsui, Esq.  
Attorney for Petitioner  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Empire State Plaza  
Albany, New York 12237



APPENDIX I

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

IN THE MATTER

NOTICE OF

OF

REFERRAL

CATHY CARRON, M.D.  
CO-14-01-0438A

PROCEEDING

TO: Cathy Carron, M.D.  
[REDACTED]

Cathy Carron, M.D.  
86 Trinity Place  
New York, New York 10006

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19<sup>th</sup> day of March, 2015, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges that is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

EXHIBIT

#1

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health, whose name appears below. You may file a written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide, at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

**YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: Initial here [REDACTED]

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five (5) days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

**SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

JAN. 26 . 2015



MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Paul Tsui  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282

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

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IN THE MATTER  
OF  
CATHY CARRON, M.D.  
CO-14-01-0438-A

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STATEMENT  
OF  
CHARGES

Cathy Carron, M.D., Respondent, was authorized to practice as a physician in New York State on August 26, 1986, by the issuance of license number 167623 by the New York State Education Department.

**FACTUAL ALLEGATIONS**


A. On or about November 26, 2013, in the East Hampton Justice Court, County of Suffolk, State of New York, Respondent was found guilty, based on a jury verdict, of Driving While Intoxicated, in violation of New York Vehicle and Traffic Law, §1192(3), a misdemeanor, and was sentenced on February 20, 2014, to three years of probation, six-month drivers license revocation, one-year of ignition interlock, and a \$1,000.00 fine.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *JAN. 26*, 2015  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct