

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

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

IN THE MATTER
OF
CLARENCE WHITE, M.D.

NOTICE
OF
HEARING

TO: CLARENCE WHITE, M.D.



PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on November 14-15, 2019, at 10:00 a.m., at the Offices of the New York State Department of Health, 217 South Salina Street, Syracuse, New York 13202-1380, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here [REDACTED]

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone 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 HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten 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. 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 N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the 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 or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW
YORK STATE BE REVOKED OR SUSPENDED, AND/OR
THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS
SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a.
YOU ARE URGED TO OBTAIN AN ATTORNEY TO
REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
September 16, 2019



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:
Marc S. Nash
Assistant Counsel
New York State Department of Health
Bureau of Professional Medical Conduct
Room 2512 – Corning Tower
Empire State Plaza
Albany, New York 12237

Phone: (518) 473-4282



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

IN THE MATTER

OF

CLARENCE WHITE, M.D.

STATEMENT

OF

CHARGES

CLARENCE WHITE, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 9, 2015, by the issuance of license number 282030 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. From on or about June 5, 2017 to on or about November 21, 2017, Respondent, a psychiatrist, was employed as locum tenens at Cayuga Medical Center, located at 100 Dates Drive, Ithaca, New York 14850. During Respondent's employment at Cayuga Medical Center, Patient A was admitted for psychiatric treatment on two occasions, from on or about August 9, 2017 to August 12, 2017, and from on or about September 19, 2017 to September 22, 2017. During both periods of admittance, Respondent treated Patient A for her psychiatric condition. Respondent failed to meet the accepted standards of medical practice, in that:

1. Respondent, during his period of treatment of Patient A between September 19, 2017 and September 22, 2017, asked Patient A for her phone number.
2. Respondent, from on or about September 22, 2017 to November 20, 2017, had a social relationship with Patient A, which included socializing with Patient A on more than one occasion.
3. Respondent, from on or about September 22, 2017 to November 20, 2017, had a sexual relationship with Patient A which included sexual intercourse.
4. Respondent, from on or about September 22, 2017 to November 20, 2017, gave Patient A money and/or his credit card information to purchase merchandise.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

SEXUAL CONTACT BY PSYCHIATRIST WITH PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Education Law § 6530(44)(a) by engaging in physical conduct of a sexual nature between the licensee and the patient in the practice of psychiatry, as alleged in the facts of:

1. Paragraph A and A.3.

SECOND SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Education Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of:

2. Paragraph A and A.1, A and A.2, A and A.3, and/or A and A.4.

THIRD THROUGH SIXTH SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Education Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of:

3. Paragraph A and A.1.

4. Paragraph A and A.2.
5. Paragraph A and A.3.
6. Paragraph A and A.4.

SIXTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

7. Paragraph A and A.1, A and A.2, A and A.3 and/or A and A.4.

DATE: September 14, 2019
Albany, New York


TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct