

**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
MORALES D. BROWN, M.D.

NOTICE
OF
HEARING

TO: MORALES D. BROWN, M.D.
c/o Norman Deep, Esq.
P.O. Box 300
Clinton, NY 13323

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 8, 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, 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

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.

DATE

September 24, 2019

Albany, NY


TIMOTHY J. MAHAR

Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:
Nathaniel White, Associate Counsel
Bureau of Professional Medical Conduct
New York State Department of Health
Corning Tower – 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

IN THE MATTER

OF

MORALES D. BROWN, M.D.

**STATEMENT
OF
CHARGES**

MORALES D. BROWN, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 2, 2009, by the issuance of license number 255046 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. The New York State (NYS) Office of Mental Health (OMH) operates psychiatric centers across the State, and regulates, certifies and oversees mental health programs operated by local governments or nonprofit groups. Central New York Psychiatric Center (CNYPC) is an OMH mental health system that provides care and treatment to persons incarcerated in prisons and county correctional facilities across New York. CNYPC has a network of satellite mental health units located within correctional facilities, including a unit called the Marcy Residential Mental Health Unit (Marcy RMHU) which is part of Marcy Correctional Facility, a NYS Department of Corrections and Community Supervision (DOCCS) facility. The Marcy RMHU located in Marcy, NY is a 100-bed unit staffed by both DOCCS and OMH employees. The Marcy RMHU inmate population are individuals determined to need mental health services while serving a term of incarceration following criminal convictions. On or about February 9, 2016, the Respondent was appointed to the CNYPC staff to provide psychiatric services to patients at the Marcy RMHU.

B. On or about August 22, 2016, Respondent created a psychiatric progress note detailing an evaluation of Patient A, an inmate and patient at the Marcy RMHU. The progress note documented that the evaluation of Patient A occurred "cell side" on August 22, 2016. Respondent did not evaluate Patient A on August 22, 2016 and, consequently, the progress note reflected a psychiatric evaluation that was not actually performed. Respondent's

progress note contained a false representation, Respondent knew the representation was false, and Respondent intended to mislead through the false representation.

C. On or about August 26, 2016, Respondent created a psychiatric progress note detailing an evaluation of Patient B, an inmate and patient at the Marcy RMHU. The progress note documented that the evaluation of Patient B occurred "cell side" on August 26, 2016. Respondent did not evaluate Patient B on August 26, 2016 and, consequently, the progress note reflected a psychiatric evaluation that was not actually performed. Respondent's progress note contained a false representation, Respondent knew the representation was false, and Respondent intended to mislead through the false representation.

D. On or about September 22, 2016, the CNYPC terminated Respondent's services as a psychiatrist at CNYPC and the Marcy RMHU.

1. On or about June 2, 2018, the Respondent prepared and/or submitted to the New York State Education Department a Registration Renewal document wherein the Respondent answered "N" to the question, "Since your last registration application, has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid the imposition of such action due to professional misconduct, unprofessional conduct, incompetency, or negligence?". By answering "N" to this question, Respondent failed to disclose his September 22, 2016 termination from CNYPC. Respondent's June 2, 2018 Registration Renewal form contained a false representation, Respondent knew the statement was false, and Respondent intended to mislead through the false representation.
2. On or about September 7, 2018, the Respondent submitted an Application for Appointment to Medical Staff to Upstate Cerebral Palsy in Utica, New York. The application asked, "Has your employment, medical staff appointment, or privileges ever been suspended, diminished, revoked, or refused at any hospital or other health care facility?". The Respondent answered "Yes". Pursuant to the instructions on the application, the Respondent was required to provide a description of the action(s) and the relevant date(s) on a separate sheet of paper. The Respondent submitted an "addendum" to his application on September 9, 2018 but failed to disclose his September 22, 2016 termination from CNYPC. The Respondent's Application for Appointment to Medical Staff contained a false representation, Respondent knew his representation was false, and Respondent intended to mislead through the false representation.

E. On or about September 14, 2017, in the Marcy Town Court (NY), Criminal Part, the Respondent was convicted of Criminal Trespass in the third degree, a class "B" misdemeanor, in violation of New York Penal Law section 140.10(a). The Respondent was sentenced to a conditional discharge and required to pay approximately \$5,000.00 in restitution.

SPECIFICATION OF CHARGES

FIRST THROUGH FOURTH SPECIFICATIONS **FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph B;
2. Paragraph C;
3. Paragraphs A, D, and D.1; and/or
4. Paragraphs A, D, and D.2.

FIFTH THROUGH SEVENTH SPECIFICATIONS **WILLFULLY MAKING OR FILING A FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, as alleged in the facts of:

5. Paragraph B;
6. Paragraph C; and/or
7. Paragraphs A, D and D.1.

EIGHTH SPECIFICATION
CRIMINAL CONVICTION (N.Y.S.)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

8. Paragraph E.

DATE: September 26, 2019
Albany, New York


TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct