



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

July 25, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Adrian Morris, MD



Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
New York State Department of Health
Corning Tower, Room 2512
Albany, New York 12237

RE: In the Matter of Adrian Morris, MD

Dear Parties:

Enclosed please find the Determination and Order (No. 22-170) 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

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.

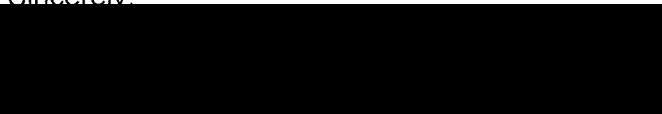
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, 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 Ms. Carney 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,



Sean D. O'Brien
Acting Chief Administrative Law Judge
Bureau of Adjudication

SDO: cmg
Enclosure

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

COPY

-----X
IN THE MATTER
OF
ADRIAN MORRIS, MD
-----X

DETERMINATION
AND
ORDER

BPMC-22-170

A Notice of Referral Proceeding and Statement of Charges dated May 12, 2022 were duly served upon Adrian Morris, MD (Respondent). (Exhibits 1, 2.) A hearing was held on July 13, 2022 via WebEx videoconference. Pursuant to § 230(10)(e) of the Public Health Law (PHL), **SAMUEL F. BOSCO, MD**, Chairperson, **PROSPERE REMY, MD**, and **MYRA M. NATHAN, PhD**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **NATALIE J. BORDEAUX, ADMINISTRATIVE LAW JUDGE (ALJ)**, served as the Administrative Officer.

The Department appeared by Marc S. Nash, Associate Counsel. The Respondent did not appear for the hearing. The Hearing Committee received and examined documents from the Department (Exhibits 1-5). A transcript of the proceeding was made.

After consideration of the entire hearing record, the Hearing Committee hereby issues this determination. All findings, conclusions, and determinations herein are unanimous.

JURISDICTION

The Department brought the case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(a)(ii), by having been convicted of committing an act constituting a crime under federal law, specifically, 21 U.S.C. §§

841(a)(1) and 841(b)(1)(C). Hearing procedures are set forth in Department regulations at 10 NYCRR Part 51. Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. On June 11, 1986, the Respondent was authorized to practice medicine in New York by the Education Department and was issued license number 166342. (Exhibit 3.)
2. On or about March 7, 2022, the Respondent was convicted in the United States District Court for the Northern District of New York, following his guilty plea, to one count of Distribution of Controlled Substances (Amphetamines), in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). On June 20, 2018, the Respondent knowingly and intentionally distributed and dispensed controlled Adderall (a mixture and substance containing amphetamine, a Schedule II controlled substance) outside the usual course of professional practice and without a legitimate medical purpose. He was sentenced to 37 months' imprisonment followed by two years of supervised release and ordered to pay a \$100 assessed criminal monetary penalty. (Exhibits 4, 5.)

CONCLUSIONS OF LAW

Although the Respondent was duly served by personal service with notice of the hearing, he failed to respond or appear at the hearing to present any evidence to contest the stated charge. The Department having established jurisdiction and proper notice, the ALJ determined that the hearing could proceed on the merits despite the Respondent's absence.

The Hearing Committee reviewed the Department's evidence showing the Respondent's conviction in the United States District Court for the Northern District of New York to one count of Distribution of Controlled Substances (Amphetamines), in violation of 21 U.S.C. §§ 841(a)(1) and

(b)(1)(C). Based on this conviction, the Hearing Committee determined that the Respondent violated Educ. Law § 6530(9)(a)(ii).

In consideration of the full spectrum of penalties under PHL § 230-a, the Hearing Committee agreed with the Department's recommendation that revocation of the Respondent's medical license was warranted. The Hearing Committee considered that the Respondent's conduct leading to his criminal conviction involved using his medical license to dispense controlled substances outside the course of his professional practice and without a legitimate medical purpose. From these actions, the Hearing Committee concluded that the Respondent showed clear disregard for the law, and for the integrity of his medical license. The Respondent's failure to appear for this hearing and address the Hearing Committee only reinforced that conclusion.


The Respondent is advised that he may reapply for reinstatement of his New York medical licensure three years after the effective date of this Determination and Order.

ORDER

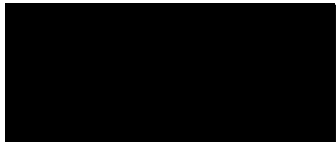
IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. The Respondent's license to practice medicine in the state of New York is revoked pursuant to PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in compliance with PHL § 230(10)(h).

DATED: July 22, 2022
_____, New York


Samuel F. Bosco, MD, Chairperson
Prosper Remy, MD
Myra M. Nathan, PhD

To: Adrian Morris, MD



Marc S. Nash
Associate Counsel
Bureau of Professional Medical Conduct
New York State Department of Health
Corning Tower – Room 2512
Albany, NY 12237

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

IN THE MATTER

OF

ADRIAN MORRIS, M.D.

STATEMENT

OF

CHARGES

ADRIAN MORRIS, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 11, 1986, by the issuance of license number 166342 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 7, 2022, in the United States District Court, Northern District of New York, Respondent was convicted of one count of Distribution of Controlled Substances (Amphetamines) [21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)]. Respondent was sentenced to 37 months' imprisonment followed by two years of supervised release and assessed \$100.


SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (Federal)

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

1. Paragraph A.

DATE: May 12, 2022
Albany, New York


JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct