

**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

JENNIFER SMITH, M.D.

STATEMENT

OF

CHARGES

JENNIFER SMITH, M.D., the Respondent, was authorized to practice medicine in New York State on or about 4/30/2007, by the issuance of license number 244012 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about 02/12/2013, Respondent voluntarily entered into Consent Order BPMC No. 13-31 ("Order") with the New York State Board for Professional Medical Conduct ("Board"). By entering the Order, Respondent did not contest pending professional misconduct charges alleging negligence on more than one occasion in violation of N.Y. Educ. Law § 6530(3) and failing to maintain records in violation of N.Y. Educ. Law § 6530(32). The Order was approved by the Board on or about 02/15/2013 and became effective on or about 02/26/2013. The Order further stated that Respondent stipulated that her failure to comply with any conditions of the Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29). The Order imposed, among others, the following penalties and conditions:

1. A penalty of a Censure and Reprimand pursuant to N.Y. Pub. Health Law § 230-a(1);
2. A penalty of a license limitation pursuant to N.Y. Pub. Health Law § 230-a(3) limiting Respondent's practice to preclude prescribing of opiates, synthetic opioids and their analogues to any patient, and restricting Respondent from ordering or administering such substances;
3. A penalty of a 36-month period of probation, pursuant to N.Y. Pub. Health Law § 230-a(9), subject to various terms;
4. A condition that Respondent shall remain in continuous compliance with all requirements of N.Y. Educ. Law § 6502 including the requirement that a licensee shall register and continue to be registered with the New York State Education Department;

5. A condition that Respondent shall remain in continuous compliance with all requirements of NY Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall report to the NYS Department of Health ("Department") all information required by the Department to develop a public physician profile for the licensee, shall update her profile information within the six months prior to the expiration date of the licensee's registration period, and shall notify the Department of any change in profile information within 30 days of any change;
6. A condition that Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of the Consent Order and in its investigations of matters concerning Respondent;
7. A condition that Respondent shall meet with a person designated by the Director of OPMC, as directed;
8. A condition that Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed.

B. Respondent violated the terms and/or conditions of BPMC No. 13-31 as follows:

1. Respondent failed to continue to be registered with the New York State Education Department, as her Registration expired at the end of March 2020, and her current status is not registered.
2. Respondent failed to remain in compliance with NY Public Health Law § 2995-a(4) and 10 NYCRR 1000.5 by failing to update her New York State Physician Profile within the six months prior to the expiration date of the licensee's registration period, as she last updated her physician profile on 08/08/2016.
3. Respondent failed to fully cooperate fully with OPMC in its investigation of matters concerning Respondent.
4. Following correspondence from OPMC personnel dated 09/13/2019 requiring Respondent to schedule and attend an interview with OPMC, Respondent failed to schedule and attend an interview.
5. Respondent failed to respond to correspondence from OPMC personnel dated 10/29/2019 requiring Respondent to schedule and attend an interview with OPMC.
6. Respondent failed to respond to correspondence from OPMC personnel dated 11/12/2019 requiring Respondent to provide the medical records of a patient specified in Appendix A.

SPECIFICATION OF CHARGE

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

1. The facts of paragraph A. and A. 4 and B. and B. 1; and/or
2. The facts of paragraph A. and A. 5 and B. and B. 2; and/or
3. The facts of paragraph A. and A. 6 and B. and B. 3; and/or
4. The facts of paragraph A. and A. 6 and B. and B. 4; and/or
5. The facts of paragraph A. and A. 6 and B. and B. 5; and/or
6. The facts of paragraph A. and A. 6 and B. and B. 6; and/or
7. The facts of paragraph A. and A. 7 and B. and B. 4; and/or
8. The facts of paragraph A. and A. 7 and B. and B. 5; and/or
9. The facts of paragraph A. and A. 8 and B. and B. 6.

DATE: October 16 , 2020
 Albany, New York



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct