



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

July 15, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John M. Benson, M.D.
P.O. Box 141
Blue Hill, Maine 04614

RE: License No. 123756
Effective Date 7/22/94

Dear Dr. Benson:

Enclosed please find Order #BPMC 94-114 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

-----X

IN THE MATTER :
OF : ORDER
JOHN M. BENSON, M.D. : BPMC 94-114

-----X

Upon the Application of JOHN M. BENSON, M.D.
(Respondent) to Surrender his or her license as a physician in
the State of New York, which application is made a part hereof,
it is

ORDERED, that the application and the provisions
thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order via certified mail, whichever is
earliest.

SO ORDERED,

DATED:

14 July 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.

Chairperson

State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
JOHN M. BENSON, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

STATE OF MAINE)
COUNTY OF *Hancock*) SS.:

JOHN M. BENSON, M.D., being duly sworn, deposes and says:

On or about May 21, 1975, I was licensed to practice as a physician in the State of New York having been issued License No. 123756 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York. My current address is P.O. Box 141, Blue Hill, Maine 04614.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

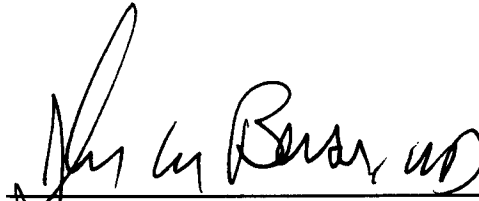
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the first specification of professional misconduct set forth in the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



JOHN M. BENSON, M.D.
Respondent

Sworn to before me this
8th day of July, 1994



NOTARY PUBLIC

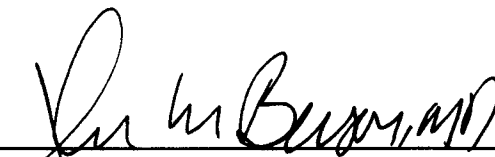
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
JOHN M. BENSON, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the
Respondent to surrender his license.

Date: July 8, 1994



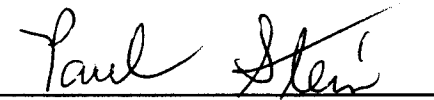
JOHN M. BENSON, M.D.
Respondent

Date: _____, 1994

None

, ESQ.
Attorney for Respondent

Date: July 11, 1994



PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

JOHN M. BENSON, M.D.

Date: July 14, 1994

Kathleen Tanner

KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 14 July 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOHN M. BENSON, M.D. : CHARGES

-----X

JOHN M. BENSON, M.D., the Respondent, was authorized to practice medicine in New York State on May 21, 1975 by the issuance of license number 123756 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His most recent known address is 9 Atlantic Avenue, Bar Harbor, Maine 04609.

FIRST SPECIFICATION

I. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530 (9) (d) (McKinney Supp.1994), in that he had his license to practice medicine, revoked, suspended or had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

A. The State of Minnesota Board of Medical Practice ("the Board") issued a Stipulation and Order, dated November 14, 1992, based on Respondent radiologist having embezzled \$226,640 from Park Nicollet Medical Center, where he was chairman of the department of radiology, and his work having deteriorated, in violation, inter alia, of Minnesota Statutes sec. 147.091, subd. 1 (k) and (q) (1990), which read in relevant part:

"Subdivision 1. Grounds listed. The board may refuse to grant a license or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

"(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

"(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws."

B. Pursuant to the terms of the above-mentioned Stipulation and Order, Respondent's license to practice medicine in the State of Minnesota was conditioned and limited as follows:

1. "Within two years from the issuance of this Stipulation and Order, Respondent shall complete 1,500 hours of pro bono community service. The community service need not be in the medical field;
2. "Respondent must meet with a designated Board member or staff person of the Board on a quarterly basis. It shall be Respondent's obligation to contact the designated Board member or staff person to arrange

each of the meetings. The purpose of such meetings shall be to supervise and review Respondent's progress under the terms of this Stipulation and Order, including monitoring the type and completion of pro bono work performed by Respondent in fulfillment of this Order. It shall be within the discretion of the designated Board member or staff person to decide whether to accept work performed prior to approval of this Order. . . . ;


3. "Respondent shall pay a civil penalty of \$2,000 to cover the costs of the Board's investigation."

C. These acts, if committed in New York State, would constitute professional misconduct under the laws of New York State as follows:

1. "Practicing the profession with negligence on more than one occasion" (Education Law sec. 6530 (3) McKinney Supp. 1994)); and/or
2. "Practicing the profession fraudulently or beyond its authorized scope" (Education Law sec. 6530 (2) (McKinney Supp. 1994)).

Dated: New York, New York

April 26, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct