



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

July 23, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph Wynn Wesley, M.D.
246 North Franklin Turnpike
Ramsey, NJ 07446

RE: License No. 134157

Dear Dr. Wesley:

Enclosed please find Order #BPMC 02-225 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect July 23, 2002.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER

SURRENDER

OF

ORDER

JOSEPH WYNN WESLEY, M.D.
CO-02-05-2425-A

BPMC No. 02-225

JOSEPH WYNN WESLEY, M.D., says:

On or about April 7, 1978, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 134157 by the New York State Education Department. I currently reside at 246 North Franklin Turnpike, Ramsey, NJ 07446.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: 7/5/ 2002



JOSEPH WYNN WESLEY, M.D.
Respondent

AGREED TO:

Date: 9 July 2002


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 19 July 2002


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER	STATEMENT
OF	OF
JOSEPH WYNN WESLEY, M.D.	CHARGES
CO-02-05-2425-A	

JOSEPH WYNN WESLEY, M.D., the Respondent, was authorized to practice medicine in New York state on April 7, 1978, by the issuance of license number 134157 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 13, 2002, the New Jersey State Board of Medical Examiners (hereinafter "New Jersey Board"), by a Final Decision and Order (hereinafter "New Jersey Order"), revoked Respondent's license to practice medicine and surgery, prohibited him from applying for reinstatement for two (2) years, and assessed a \$5,000.00 penalty, based on failure to register for two (2) years, prescribing drugs requiring a DEA without a valid DEA license, and failure to respond candidly while under oath to questions on his registration application.

B. The conduct resulting in the New Jersey Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(12) (practicing the profession while the license is inactive or willfully failing to register); and/or
3. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *July 8*, 2002
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER

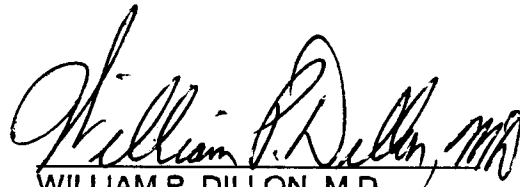
Upon the proposed agreement of **JOSEPH WYNN WESLEY, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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

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

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 7/22, 2002


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct