



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

September 10, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dan Ernest Allon, M.D.
141 Camino DeLas Crucitas
Santa Fe, New Mexico 87501

RECEIVED
Physician Monitoring
SEP 10 1998
Office of Professional
Medical Conduct

RE: License No. 136054

Dear Dr. Allon:

Enclosed please find Order #BPMC 98-208 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 10, 1998.**

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
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

cc: Ernest G. Anstey, Esq.
1230 Delaware Avenue
Buffalo, New York 14209-1491

Kevin C. Roe, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
DAN ERNEST ALLON, M.D. : AND ORDER
: BPMC # 98-208

-----X

STATE OF)
) SS.:
COUNTY OF)

DAN ERNEST ALLON, M.D., being duly sworn, deposes and says:
That on or about August 20, 1978, I was licensed to practice
as a physician in the State of New York, having been issued
license number 13654 by the New York State Education Department.

My current address is 141 Camino De Las Crucitas, Santa Fe,
New Mexico 87501. I will advise the Director of the Office of
Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional
Medical Conduct has charged me with eight specifications of
professional misconduct. as set forth in the Statement of
Charges, annexed hereto, made a part hereof, and marked as
Exhibit A.

I admit guilt to the Seventh Specification in full
satisfaction of the charges against me and agree to the penalty
that my license be limited to prohibit the practice of surgery.

I agree that the Consent Order for which I am applying shall impose a condition that I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services and pay all registration fees.

This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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

I understand that, in the event that this application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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. I agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:


DAN ERNEST ALLON, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE:

July 9, 1998

Ernest G. Anstey
ERNEST G. ANSTEY, ESQ.
Attorney for Respondent

DATE:

August 24, 1998

Kevin C. Roe
KEVIN C. ROE
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE:

Aug 31 1998

Anne F. Saile
ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

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

-----X
IN THE MATTER :
OF : CONSENT
DAN ERNEST ALLON, M.D. : ORDER
:
-----X


Upon the proposed agreement of DAN ERNEST ALLON, M.D. for a
a Consent Order, which application is made a part hereof, it is
agreed to and

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

ORDERED, that this order shall be effective as of the date
of the personal service of this order upon Respondent, upon
mailing of this order to Respondent at the address set forth in
this agreement or to Respondent's attorney by certified mail, or
upon transmission via facsimile to Respondent or Respondent's
attorney, whichever is earliest.

SO ORDERED.

DATED: September 4, 1998


PATRICK F. CARONE, M.D., M.P.H.
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
DAN ERNEST ALLON, M.D. : CHARGES

-----X

DAN ERNEST ALLON, M.D., the Respondent, was authorized to practice medicine in New York State on August 20, 1978 by the issuance of license number 136054 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the appendix) from on or about August 13, 1993, through on or about September 10, 1993, at the Geneva General Hospital, Geneva, New York. Respondent's care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondent failed to re-operate in a timely manner.
2. Respondent diagnosed small bowel obstruction without adequate medical justification.
3. Respondent performed primary anastomosis without adequate bowel preparation.

B. Respondent treated Patient B from on or about July 21, 1995, through on or about July 28, 1995, at the Geneva General Hospital. Respondent's care and treatment of Patient B failed to

meet acceptable standards of medical care, in that:

1. Respondent failed to appropriately position a PEG tube.
2. Respondent failed to realize that a PEG tube was inadvertently placed in the colon in a timely manner.

C. Respondent treated Patient C from on or about April 14, 1996, through on or about April 17, 1996, at the Geneva General Hospital. Respondent's care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondent inappropriately anastomosed the sigmoid colon to the urinary bladder during reconstruction of a Hartmann's procedure.
2. Respondent failed to recognize the inappropriate anastomosis in a timely manner.

SPECIFICATIONS

FIRST THROUGH THIRD SPECIFICATIONS

GROSS NEGLIGENCE

Respondent is charged with gross negligence in violation of New York Education Law §6530(4) in that, Petitioner charges:

1. The facts in paragraphs A and A.1, A and A.2, and/or A and A.3.
2. The facts in paragraphs B and B.1, and/or B and B.2.
3. The facts in paragraphs C and C.1 and/or C and C.2.

FOURTH THROUGH SIXTH SPECIFICATIONS

GROSS INCOMPETENCE

Respondent is charged with gross incompetence in violation of New York Education Law §6530(6) in that, Petitioner charges:

4. The facts in paragraphs A and A.1, A and A.2, and/or A and A.3.
5. The facts in paragraphs B and B.1, and/or B and B.2.
6. The facts in paragraphs C and C.1 and/or C and C.2.

SEVENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with negligence on more than one occasion in violation of New York Education Law §6530(3) in that, Petitioner charges two or more of the following:

7. The facts in paragraphs A and A.1, A.2, A.3; B and B.1, B.2; and/or C and C.1 and C.2.

EIGHTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) in that, Petitioner charges two or more of the following:

8. The facts in paragraphs A and A.1, A.2, A.3; B and B.1, B.2; and/or C and C.1 and C.2.

DATED: _____, 1997
Albany, New York

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