



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

December 11, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jeffrey S. Kingsbury, D.D.S., M.D.
C/o Lawrence J. Vilaro, Esq.
Connors & Vilaro, LLP
1020 Liberty Building
420 Main Street
Buffalo, NY 14202

RE: License No. 198972

Dear Dr. Kingsbury:

Enclosed please find Order #BPMC 97-299 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
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: Lawrence J. Vilaro, Esq.
Connors & Vilaro, LLP
1020 Liberty Building
420 Main Street
Buffalo, NY 14202

William J. Lynch, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
JEFFREY S. KINGSBURY, D.D.S., M.D. : AND ORDER
: BPMC # 97-299

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JEFFREY S. KINGSBURY, D.D.S., M.D. says:

On or about April 12, 1995, I was licensed to practice as a physician in the State of New York, having been issued license number 198972 by the New York State Education Department.

My current address is 6490 Main Street, Suite 3, Williamsville, New York 14221, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with two 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 first specification.

I hereby agree to the following penalty:

1) A three year suspension of my license to practice medicine in New York, with the suspension stayed in its entirety, conditioned on my full compliance for a probationary period of three years with the Terms of Probation attached hereto as Exhibit B.

2) A civil penalty in the amount of five thousand dollars (\$5,000), which must be paid in full within sixty days (60) of the effective date of this Consent Order. Payment must be made to the Bureau of Accounts Management, New York State Department of Health, Empire State Plaza, Corning Tower, 17th Floor, Albany, New York, 12237. I understand that if I do not pay said civil penalty in full by the required date, I shall be subject to all provisions of law relating to debt collection by the State of New York, and all such other penalties or procedures as are authorized under New York State Law, including but not limited to the imposition of interest, late payment charges, and collection fees; referral to the New York State Department of Taxation and Finance for collection; and the denial of applications to renew my registration to practice medicine with the New York State Education Department. I further understand that if I do not pay said civil penalty in full by the required date, my failure to do so will be considered professional misconduct under N.Y. Education Law §6530(29), and I will be subject to prosecution accordingly.

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

I agree that, as a condition of this Order, I will 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 will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect

beginning thirty days after the effective date of this Order and will continue 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 understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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; 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.

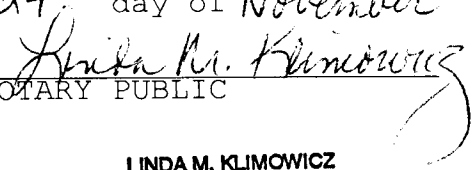
I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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


JEFFREY S. KINGSBURY, D.D.S., M.D.
RESPONDENT

Subscribed before me this

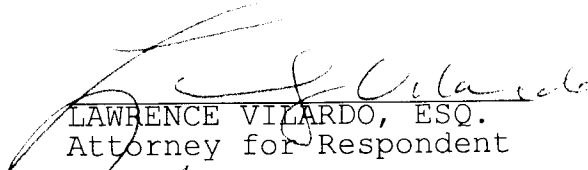
24th day of November, 1997.


NOTARY PUBLIC


LINDA M. KLIMOWICZ
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Aug. 24, 1999

AGREED TO:


DATE: Nov. 24, 1997


LAWRENCE VILARDO, ESQ.
Attorney for Respondent

DATE: DEC. 1, 1997


WILLIAM J. LYNCH
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: December 3, 1997


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of JEFFREY S. KINGSBURY, D.D.S., M.D. (Respondent) for Consent Order, 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; 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 by certified mail, whichever is earliest.

DATED: 12/8/97

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent shall continue to enroll in the program of the Committee for Physicians' Health of the Medical Society of the State of New York (CPH) for the entire term of his probation period. Respondent shall be monitored by the CPH and shall remain at all times in compliance with the terms of the CPH program during the entire term of probation. Respondent shall provide OPMC with written authorization as necessary to allow OPMC to review on a continuing basis Respondent's compliance with his CPH program.
2. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
3. Within thirty days of each action, Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility.
4. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
5. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30)

consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.

7. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
8. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
9. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.

EXHIBIT "A"

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

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IN THE MATTER : STATEMENT
OF : OF
JEFFREY S. KINGSBURY, D.D.S., M.D. : CHARGES

-----X

JEFFREY S. KINGSBURY, D.D.S., M.D., the Respondent, was authorized to practice medicine in New York State on April 12, 1995 by the issuance of license number 198972 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period April 1, 1997, through May 31, 1998, with a registration address of 6490 Main Street, Suite 3, Williamsville, New York 14221.

FACTUAL ALLEGATIONS

1. On multiple occasions between May 1996 and April 1997, Respondent failed to maintain an accurate patient record when prescribing Stadol for Patient A (patients are identified in Appendix A).

2. Between May 1996 and April 1997, Respondent used Stadol for his own personal use that he had prescribed for Patient A.

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(32) (McKinney Supp. 1997) by reason of his having failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges the facts in Paragraph 1.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(2) (McKinney Supp. 1997) by reason of his having practiced the profession fraudulently from the period of May 1996 through April 1997 in that Petitioner charges the facts in Paragraph 1 and 2.

DATED: *December 1*, 1997
Albany, New York

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