



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

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

October 3, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jon Donshik, M.D.
301 NW 84th Avenue
Suite 303
Plantation, FL 33324

Re: License No. ²⁰²⁹²⁶202665

Dear Dr. Donshik:

Enclosed please find Order #BPMC 03-262 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 10, 2003.

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 the 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

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

IN THE MATTER
OF
JON DONSHIK, M.D.

CONSENT
ORDER

BPMC No. 03-262

Upon the proposed agreement of **JON DONSHIK, M.D.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and


ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 of the Consent 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: _____

10/2/03


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER

CONSENT

OF

AGREEMENT

**JON DONSHIK, M.D.
CO-03-07-2918-A**

AND ORDER

JON DONSHIK, M.D., (Respondent) being duly sworn deposes and says:

That on or about May 9, 1996, I was licensed to practice as a physician in the State of New York, having been issued License No. 202926 by the New York State Education Department.

My current address is 301 NW 84th Avenue, Suite 303, Plantation, FL 33324, and 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 of Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in New York in several years and I do not intend to return to practice medicine in New York. I, therefore, agree not to contest Factual Allegations A, and B(1) and the one (1) Specification, in full satisfaction of the charges against me, and hereby agree to the following penalty:

Censure and Reprimand.

I further agree that the Consent Order for which I, hereby, apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's 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 will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I, hereby, stipulate that any failure by me to comply with such conditions 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, the agreement and order shall be admitted into evidence in that proceeding.

I, hereby, 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, 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:
DATED: 9/18/03



JON DONSHIK, 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: 22 Sep 03



ROBERT BOSAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 30 Sep 03



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
OF
JON DONSHIK, M.D.
CO-03-07-2918-A

STATEMENT
OF
CHARGES

JON DONSHIK, M.D., the Respondent, was authorized to practice medicine in New York state on May 9, 1996, by the issuance of license number 202926 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 22, 2003, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), reprimanded Respondent, imposed a \$20,000.00 fine and \$3,312.55 costs of investigation and prosecution, required him to attend eight (8) hours of Continuing Medical Education (CME) in risk management, to present a one hour lecture/seminar on Wrong Level Surgery, to write and submit an article on the methods of prevention of wrong type procedures, and to perform 25 hours community service, based on failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

B. The conduct resulting in the Florida Board disciplinary action 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 (3) (negligence on more than one occasion);
 2. New York Education Law §6530 (4) (gross negligence);
 3. New York Education Law §6530 (5) (incompetence on more than one occasion);
- and/or
4. New York Education Law §6530 (6) (gross incompetence);

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action 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.

DATED: *August 26*, 2003
Albany, New York


BRIAN M. MURPHY
Chief Counsel
Bureau of Professional Medical Conduct