



**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 24, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Nukuzola Ntshona, M.D.  
Inmate #47003-053  
Pembroke Station  
Danbury, Connecticut 06811

RE: License No. 205291

Dear Dr. Ntshona:

Enclosed please find Order #BPMC 97-324 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: Earle Giovanniello, Esq.  
Gorman & Enright, DC  
PO Box 1961  
New Haven, Connecticut 06509

Joseph H. Cahill, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
NUKUZOLA NTSHONA, M.D. : BMC # 97-324

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NUKUZOLA NTSHONA, M.D., says:

On or about December 18, 1996, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 20591 by the New York State Education Department.

My current address is 100 29th Street, Brooklyn, New York 11232, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

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 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 allegations and one specification 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 State Board for Professional Medical Conduct agrees with my proposal, this 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 agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

*S. Ntshona M.D.*

NUKUZOLA NTSHONA, M.D.  
Respondent

Subscribed before me this

*16<sup>th</sup>* day of *December*, 1997

*Edward G. Boney*  
NOTARY PUBLIC *My Commission expires 9/30/98*

AGREED TO:

Date: *12/18*, 1997

*Earle C. Giovanniello*  
Earle C. Giovanniello Esq.  
Attorney for Respondent

Date: *12/19*, 1997

*Joseph H. Cahill*  
JOSEPH H. CAHILL, ESQ.  
Attorney  
Bureau of Professional  
Medical Conduct

Date: *December 19*, 1997

*Anne F. Saile*  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of NUKUZOLA NTSHONA, M.D., to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

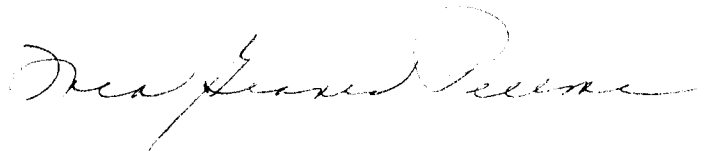
ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

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

DATED: 12-22-97

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



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

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IN THE MATTER : STATEMENT  
OF : OF  
NUKUZOLA NTSHONA, M.D. : CHARGES

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NUKUZOLA NTSHONA, M.D., the Respondent, was authorized to practice medicine in New York State on December 16, 1996, the issuance of license number 205291 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

1. Respondent, on or about August 11, 1996, was convicted after a jury trial of the felony crime of the violation of Title 18, United States Code, §§ 286 and 3551, et seq, namely, that in or about and between April 1991 and November 1993, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant Nokuzola Ntshona and others, did knowingly and intentionally enter into an agreement, combination and conspiracy to defraud the United States Department of Health and Human Services by obtaining and aiding to obtain the payment of false, fictitious and fraudulent claims for durable medical equipment, to wit, claims for equipment that was not medically necessary, not properly authorized, and not provided.

2. The conviction was in the United States District Court, the Eastern District of New York, before the Honorable United States District Court Judge Charles P. Sifton.

3. On or about August 11, 1996, Judge Sifton found the defendant liable for \$380,290 in restitution and sentenced her to 30 months incarceration.


4. The conduct constitutes professional misconduct under New York Education Law, namely §6530(9)(a)(ii), being convicted of a committing an act constituting a crime under Federal law.

#### SPECIFICATION OF MISCONDUCT

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(a)(ii) in that she was found guilty of committing acts constituting a crime under Federal Law, to wit:

1. The facts in paragraphs 1, 2, 3, and/or 4.

DATED: Dec 19, 1997  
Albany, New York

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