



***New York State Board for Professional Medical Conduct***  
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.  
Commissioner  
NYS Department of Health  
Wendy E. Saunders  
Chief of Staff  
Keith W. Servis, Director  
Office of Professional Medical Conduct

*Public*

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Chair  
Michael A. Gonzalez, R.P.A.  
Vice Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

November 23, 2007

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Donald K. Hopewell, M.D.  
9707 Manor Road  
Leawood, KS 66206

Re: License No. 229989

Dear Dr. Hopewell:

Enclosed is a copy of Order #BPMC 07-256 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 30, 2007.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299**

Sincerely,

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

Enclosure

cc: Johnny K. Richardson, Esq.  
Brydon, Swearingen & England  
312 East Capitol Avenue  
Jefferson City, MO 65102

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

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IN THE MATTER  
OF  
DONALD K. HOPEWELL, M.D.

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CONSENT  
ORDER  
BPMC No. #07-256

Upon the application of (Respondent), DONALD K. HOPEWELL, M.D., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 11-21-07



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KENDRICK A. SEARS, M.D.  
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  
OF  
DONALD K. HOPEWELL, M.D.  
CO-07-06-3216-A

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CONSENT  
AGREEMENT  
AND ORDER

DONALD K. HOPEWELL, M.D., representing that all of the following statements are true, deposes and says:

That on or about September 23, 2003, I was licensed to practice as a physician in the State of New York, and issued License No. 229989 by the New York State Education Department.

My current address is 9707 Manor Road, Leawood, KS 66206

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely upon the Arizona Medical Board, April 13, 2007, Findings of Fact, Conclusions of Law and Order.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand and the requirement that I maintain active registration of my medical license.

I have not, however, practiced medicine in the State of New York in many years and I do not intend to return to the practice of medicine in the State of New York. I do not, therefore, contest the two (2) Specifications, in full satisfaction of the charges against me, and agree to the following penalty in lieu of the settlement originally offered to me by the State of New York:

to never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

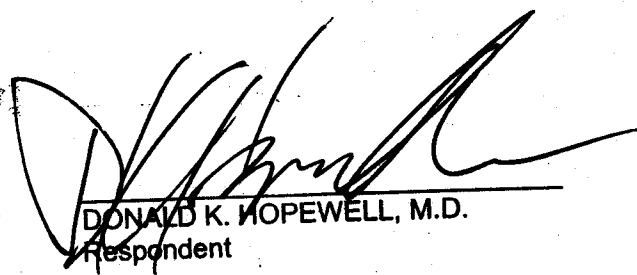
I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

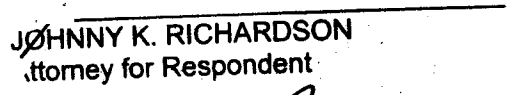
DATED: 11/9/07



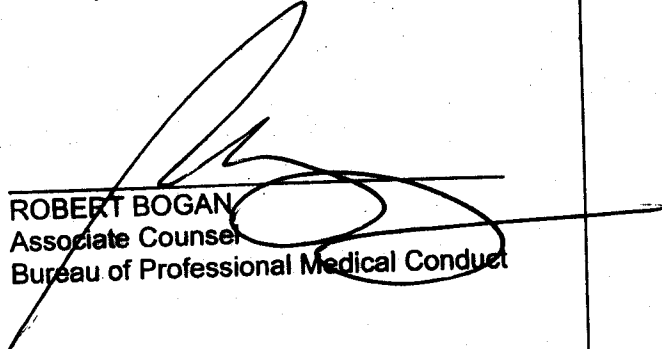
DONALD K. HOPEWELL, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: \_\_\_\_\_

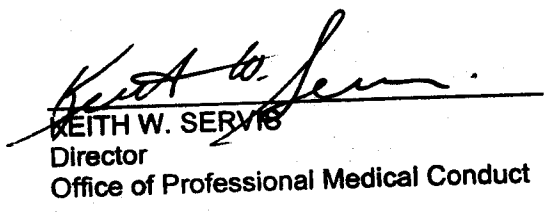
  
JOHNNY K. RICHARDSON  
Attorney for Respondent

DATE: 13 November 2007



ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 11/19/07



KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

IN THE MATTER

OF

DONALD K. HOPEWELL, M.D.  
CO-07-06-3216-A

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STATEMENT

OF

CHARGES

DONALD K. HOPEWELL, M.D., Respondent, was authorized to practice medicine in New York state on September 23, 2003, by the issuance of license number 229989 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 13, 2007, the Arizona Medical Board (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order (hereinafter "Arizona Order"), issued Respondent a Letter of Reprimand, based on knowingly making a false or misleading statement to the Arizona Board on a form required by the Arizona Board or in a written correspondence, including attachments, with the Arizona Board.

B. The conduct resulting in the Arizona 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(21) (willfully making or filing a false report required by law or by the department of health or the education department).

**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 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 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:

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

DATED: Aug. 9, 2007  
Albany, New York

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