



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

June 16, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Dondero, M.D.
13 Blackstone Street
P.O. Box 86
Mendon, Massachusetts 01756

RE: License No. 078686

Effective Date: 06/23/95

Dear Dr. Dondero,

Enclosed please find Order #BPMC 95-124 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: David Smith, Esq.

RECEIVED

JUN 09 1995

DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL
MEDICAL CONDUCT

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

IN THE MATTER
OF
JOHN A. DONDERO, M.D.

CONSENT
ORDER
BPMC #95-124

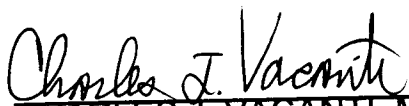
Upon the application of JOHN A. DONDERO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, 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.

SO ORDERED.

DATED: 14 June 1995


CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
JOHN A. DONDERO, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF)
COUNTY OF) SS :

JOHN A. DONDERO, M.D., being duly sworn, deposes and says:

In or about 1956, I was licensed to practice as a physician in the State of New York, having been issued License No. 078686 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with ten specifications of professional misconduct.

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

I admit guilt to the First, Sixth and Seventh Specifications, in full satisfaction of the charges against me.

I hereby agree to the following penalty:

- a. My license to practice medicine in the State of New York shall be suspended for a period of two (2) years and such suspension shall be stayed.

- b. I shall be placed on probation with practice monitoring for a period of two (2) years subject to the Terms of Probation attached hereto as Exhibit "B". Said period of probation shall be tolled unless and until I engage in the active practice of medicine in New York State.

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

John A. Dondero M.D.

JOHN A. DONDERO, M.D.
RESPONDENT

Sworn to before me this

2 day of *June*, 19 *96*

[Signature]

NOTARY PUBLIC

My commission expires *7/27/01*

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

IN THE MATTER
OF
JOHN A. DONDERO, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE: 6/2/95

John A. Dondero M.D.
JOHN A. DONDERO, M.D.
Respondent

DATE: _____

Attorney for Respondent ESQ.

DATE: 6 5 95

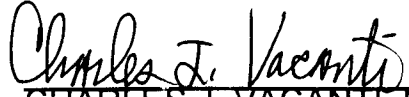
David W. Smith
DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: June 8, 1995



KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct

DATE: 14 June 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
JOHN DONDERO, M.D.

STATEMENT
OF
CHARGES

JOHN DONDERO, M.D., the Respondent, was authorized to practice medicine in New York State by the issuance of license number 078686 by the New York State Education Department in December, 1956.

FACTUAL ALLEGATIONS

- A. Between in or about November, 1987 and in or about May, 1988, Respondent treated Patient A for acute bronchitis and other medical conditions at his office at 575 Grand Concourse, Bronx, New York.
1. Throughout the period, Respondent failed to obtain an adequate medical history or to note such history, if any.
 2. Throughout the period, Respondent failed to perform an adequate physical examination or to note such examination, if any.
 3. In November, 1987, Respondent ordered an EKG to be performed which was not justified or failed to note such justification, if any.
 4. Even though Respondent, according to the patient chart, diagnosed asthma and acute bronchitis, he failed to prescribe medication or note such medication, if any.
 5. In December, 1987, Respondent diagnosed Patient A with alcohol gastritis and bronchopneumonia which diagnoses were not justified or

failed to note such justification, if any.

6. During this visit Respondent prescribed Cefaclor which was not justified or failed to note such justification, if any.
7. In January, 1988, Respondent without justification diagnosed Patient A with influenza but failed to take Patient A's temperature properly.
8. Respondent prescribed ampicillin which was not indicated and another medication not legible in the patient chart.
9. In April, 1988, respondent caused tests to be performed on Patient A for toxoplasmosis, cytomegalovirus and rubella. The tests were not justified or Respondent failed to note such justification, if any
10. In March, 1988, Respondent prescribed Naprosyn and Zantec for Patient A which were not justified, or failed to note such justification, if any.

B. Between in or about March, 1988 and in or about June, 1988, Respondent treated Patient B for chest pain and other medical conditions at his office at 575 Grand Concourse, Bronx, New York.

1. Throughout the period, Respondent failed to obtain an adequate medical history or to note such history, if any.
2. Throughout the period, Respondent failed to perform an adequate physical examination or to note such examination, if any.
3. Respondent diagnosed Patient B with hypertension but failed to follow-up or treat such condition or note such follow-up or treatment, if any.
4. Respondent diagnosed Patient B with Angina but failed to follow-up or treat such condition or note such follow-up or treatment, if any.

C. Between in or about November, 1987 and in or about May, 1988, Respondent treated Patient C for diabetes and other medical conditions at his office at 575 Grand Concourse, Bronx, New York.

1. Throughout the period, Respondent failed to obtain an adequate medical history or to note such history, if any.
2. Throughout the period, Respondent failed to perform an adequate physical examination or to note such examination, if any.
3. Respondent diagnosed Patient C as being pregnant but failed to confirm it or note such confirmation, if any.
4. Respondent diagnosed Patient C with diabetes and put her on an insulin regimen but failed to follow-up or treat such condition or note such follow-up or determine or monitor the patient's level of glucose control or note such determination or monitoring if any.
5. Respondent caused Patient c to have an EKG which was inappropriate.
6. Despite the pregnancy of Patient c, Respondent did not refer her for pre-natal care, or failed to note such referral, if any.
7. In May, 1988, Respondent caused a test for vitamin levels, a urine drug screen and hepatitis profile to be done without justification or failed to note such justification, if any.

D. Between in or about December, 1987 and in or about May, 1988, Respondent treated Patient D for heart disease and other medical conditions at his office at 575 Grand Concourse, Bronx, New York.

1. Throughout the period, Respondent failed to obtain an adequate

medical history or to note such history, if any.

2. Throughout the period, Respondent failed to perform an adequate physical examination or to note such examination, if any.
3. In December, 1987, Respondent did a urine drug screen and hepatitis profile neither of which were justified or failed to note such justification, if any.
4. In March, 1988, Respondent did a sonogram on Patient D without justification or failed to note such justification, if any.
5. Respondent diagnosed Patient D with heart disease, hypertension and peptic ulcer none of which were justified or failed to note such justification, if any.
6. Throughout the period, Respondent prescribed the following drugs for Patient D none of which were justified or failed to note such justification, if any;
 - a. Valium
 - b. Catapres
 - c. Penicillin
 - d. Calan SR
 - e. Zantac
 - f. Tagamet

E. Between in or about January, 1988 and in or about April, 1988, Respondent treated Patient E for cough and other medical conditions at his office at 575 Grand Concourse, Bronx, New York.

1. Throughout the period, Respondent failed to obtain an adequate medical history or to note such history, if any.

2. Throughout the period, Respondent failed to perform an adequate physical examination or to note such examination, if any.
3. Respondent prescribed both Elavil and Ativan, neither of which were justified or failed to note such justification, if any.
4. Respondent caused a urine drug screen and a hepatitis profile to be done on Patient E, neither of which were justified or failed to note such justification, if any.
5. In April, 1988, Respondent diagnosed Patient E with iron deficiency anemia and peptic ulcer disease, neither of which were justified or failed to note such justification, if any.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law §6530(2) (McKinney Supp. 1995).

Specifically, Petitioner charges two or more of the following:

1. The facts in Paragraphs A and A1-2, 4-9; B and B1-4; C and C1-4 and 6; D and D1-2, 5, 6; and/or E and E1-3 and 5.

SECOND SPECIFICATION

EXCESSIVE TESTS OR TREATMENT

Respondent is charged with the ordering of excessive tests not warranted by the condition of the patient within the meaning of N.Y. Educ. Law §6530(35) (McKinney Supp. 1995). Specifically, Petitioner charges:

2. The facts in Paragraphs A and A3, 6, 8-10.
3. The facts in Paragraphs C and C5, 7.
4. The facts in Paragraphs D and D3-4, 6.
5. The facts in Paragraphs E and E3, 4.

SIXTH THROUGH TENTH SPECIFICATIONS

FAILING TO MAINTAIN RECORDS

Respondent is charged with failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patients within the meaning of N.Y. Educ. Law §6530(32) (McKinney Supp. 1995). Specifically, Petitioner charges:

6. The facts in Paragraphs A1-4, 6, 8, 10.
7. The facts in Paragraphs B and B1-4.
8. The facts in Paragraphs C and C1-4, 6, 7.
9. The facts in Paragraphs D and D1-6.
10. The facts in Paragraphs E and E1-5.

DATED: May , 1995
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. JOHN A. DONDERO, M.D, during the period of probation, 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 imposed by law and by his/her profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. 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 §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);

7. Respondent will maintain complete and accurate records of the dispensing and/or prescribing of controlled substances, the purchases thereof, official New York State triplicate prescription books and any other records which may now or hereafter be required by the N.Y. Public Health Law. Respondent will make these available to the Director and/or monitor upon request.
8. Respondent will maintain legible and complete medical records which accurately reflect evaluation and treatment of patients. Records will contain a comprehensive history, physical examination, findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances. These records shall be made available to the Director and/or the monitor upon request.
9. During the period of probation, Respondent's practice shall be monitored by a licensed physician who shall review Respondent's professional performance and practice and who:
 - a. Shall be selected by the Respondent, subject to the approval of the Director;
 - b. Shall be familiar with the Terms of Probation contained herein;
 - c. Shall meet monthly with the Respondent to discuss his private practice and review randomly selected office patient records and evaluate whether Respondent's care and treatment conform with generally accepted standards of medical care;
 - d. Shall not be a personal friend or relative of Respondent;
 - e. Shall submit to OPMC quarterly reports to the results of such monitoring; and
 - f. Shall acknowledge in advance his/her willingness to comply with the above mentioned reporting by executing the acknowledgement required by OPMC.
10. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.
12. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

13. Respondent shall notify the Director, in writing, Certified mail, return receipt requested, not more than 30 days prior to the resumption of his practice of medicine in New York State. The terms and duration of this probation shall commence upon the mailing of such Notice.