



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.
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NYS Department of Health

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NYS Department of Health

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Office of Professional Medical Conduct

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Denise M. Bolan, R.P.A.
Vice Chair

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

August 26, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Neville W. Duncan, M.D.
3401 Kilborne Avenue
Apartment 2
Milwaukee, WI 53208-3382

RE: License No.: 123074

Dear Dr. Duncan:

Enclosed please find Order #BPMC 99-213 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 26, 1999**.

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 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: Craig W. Albee, Esq.
Shellow, Shellow & Glynn, S.C.
222 East Mason Street
Milwaukee, WI 53202-3668

Robert Bogan, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
NEVILLE W. DUNCAN, M.D. : BPMC # 99-213

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NEVILLE W. DUNCAN, M.D., says:

On or about March 7, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No.123074 by the New York State Education Department. My address is 3401 Kilborne Avenue, Apartment 2, Milwaukee, Wisconsin 53208-3382.

I understand that I have been charged with three (3) specifications 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.

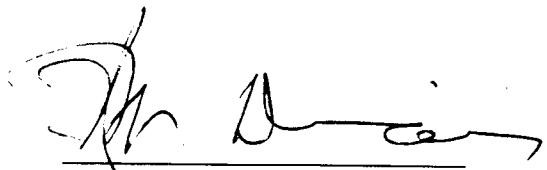
I do not contest the three (3) specifications set forth in the Statement of Charges.

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 agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.


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

Date: 7/12, 1999



NEVILLE W. DUNCAN, M.D.
Respondent

AGREED TO:

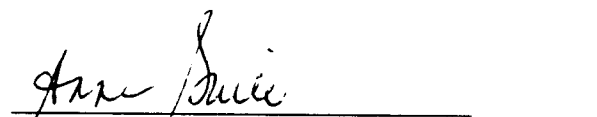
Date: July 12, 1999


CRAIG W. ALBEE, ESQ.
Counsel for Respondent

Date: 11 July, 1999


ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: Aug 18, 1999


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

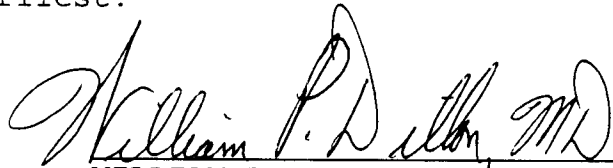
Upon the proposed agreement of NEVILLE W. DUNCAN, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8/21/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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
NEVILLE W. DUNCAN, M.D. : CHARGES

-----X

NEVILLE W. DUNCAN, M.D., the Respondent, was authorized to practice medicine in New York state on March 7, 1975, by the issuance of license number 123074 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 14, 1999, in the State of Wisconsin, Circuit Court, Milwaukee County, the Respondent was convicted of possession of controlled substance - cocaine and disorderly conduct and sentenced to \$250.00 forfeiture, 18 months probation with conditions to include 30 days House of Corrections with work release.

B. On or about February 24, 1999, the State of Wisconsin, Medical Examining Board, (hereinafter "Wisconsin Board"), entered a Final Decision and Order, (hereinafter "Wisconsin Order"), wherein, the Respondent was reprimanded, ordered to pay \$550.00 costs, and required to produce bodily samples for drug testing based on his possession and use of cocaine, and being

convicted of possession of cocaine in Milwaukee County Circuit Court.

C. The conduct resulting in the Wisconsin Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state laws:

1. New York Education Law §6530(8) (habitual use of narcotics);

2. New York Education Law §6530(9)(a)(iii) (committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would have constituted a crime under New York state law); and/or

3. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by reason of committing an act constituting a crime under the law of another jurisdiction and which if committed within this state, would have constituted a crime under New York state law, in that

the Petitioner charges:

1. The facts in paragraph A.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized 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 committed in New York state, in that the Petitioner charges:

- 2) The facts in paragraphs A, B, and/or C.

THIRD SPECIFICATION

Respondent is guilty of professional misconduct under New York Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him 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 the Petitioner charges:

3. The facts in paragraph A, B, and/or C.

DATED: _____, 1999
Albany, New York

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