



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

January 30, 1995

RECEIVED

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MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Terrence Sheehan
Associate Counsel
NYS Department of Health
5 Penn Plaza-Sixth Floor
New York, New York 10001

Neville Jones, M.D.
215 3rd Avenue, West
Richardson, North Dakota 58652

RE: In the Matter of Neville Jones, M.D.

Effective Date: 02/06/95

Dear Mr. Sheehan and Dr. Jones:

Enclosed please find the Determination and Order (No. 95-23) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm

Enclosure

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

**IN THE MATTER : DETERMINATION
OF : AND
NEVILLE JONES, M.D. : ORDER**

-----X
BPMC-95-23

A Notice of Hearing and Statement of Charges, both dated December 7, 1994, were served upon the Respondent Neville Jones, M.D. Norton Spritz, M.D., Chairperson, Diana E. Garneau, M.D., and Anthony Santiago, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. JEFFREY ARMON, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. A hearing was held on January 5, 1995. The Department of Health appeared by Terrence Sheehan, Associate Counsel. The Respondent did not appear. Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

The case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The

scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Neville Jones, M.D. (hereinafter "Respondent") was authorized to practice medicine in New York State on December 23, 1969 by the issuance of license number 105300 by the New York Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

2. By an order dated July 23, 1993, the North Dakota State Board of Medical Examiners incorporated the provisions of a Stipulation entered into by the Respondent and said Board in which the Respondent agreed to voluntarily surrender his license and further ordered the revocation of Respondent's license to practice medicine in the state of North Dakota.

3. This disciplinary action was imposed upon Respondent because Respondent engaged in a pattern of substandard care including his failure to perform a neurological assessment for a patient with a history of unexplained falls; to place a patient on replacement therapy for electrolyte

disturbance; and to assess and treat one patient with hyponatremia and another patient who had severe diarrhea.

4. By an Order dated November 13, 1993, subsequent to a petition by the Respondent, the North Dakota State Board restored Respondent's license to practice medicine, subject to certain conditions including requirements that Respondent immediately enroll in an Impaired Physicians Program and complete a Family Practice Review Course before May 15, 1994.

5. In a Stipulation dated January 24, 1994, Respondent indicated his unwillingness to comply with the conditions imposed by the Board in its November 13, 1993 Order and further agreed to voluntarily surrender his license to practice medicine in North Dakota. Respondent further agreed to be precluded from seeking renewal, restoration or reinstatement of said license.

6. Respondent was personally served with the Notice of Hearing and Statement of Charges (Dept. Ex. 1) on December 13, 1994. (Pet. Ex. 2)

CONCLUSIONS

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that Respondent had been properly served with the Notice of Hearing and Statement of Charges based upon the Affidavit of Personal Service (Pet. Ex. 2), and that it had obtained jurisdiction over Respondent in this matter as a result.

The Committee determined that the Department had met its burden of proof by demonstrating by a preponderance of the evidence that the North Dakota State Board of Medical Examiners took disciplinary action against Respondent's license to practice medicine in that State.

The basis for such action was conduct which, had it been committed in New York State, would have constituted professional misconduct pursuant to New York Education Law Section 6530(3) and/or (4) [practice of the profession negligently on more than one occasion and/or practice of the profession with gross negligence on a particular occasion]. Therefore, the Hearing Committee voted to sustain the Specification of professional misconduct contained within the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

In reaching its determination to revoke Respondent's license to practice medicine in New York State, the Committee considered the seriousness of the underlying acts of misconduct committed by Respondent in his practice of medicine in North Dakota, as well as his voluntary surrender of his license due to his unwillingness to participate in an Impaired Physicians Program and Family Practice Review Course. The Committee also noted the Respondent is not registered to practice in New York and that he made no indication of a desire to retain his New York license by appearing or providing evidence on his behalf at this proceeding.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The specification of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) is **SUSTAINED;**
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED.**

DATED: Albany, New York
1/27 1995


NORTON SPRITZ, M.D., (CHAIR)
DIANA E. GARNEAU, M.D.
ANTHONY SANTIAGO

TO: Terrence Sheehan
Associate Counsel
NYS Department of Health
5 Penn Plaza, Sixth Floor
New York, New York 10001

Neville Jones, M.D.
215 3rd Avenue, West
Richardson, North Dakota 58652

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: NEVILLE JONES, M.D. : PROCEEDING
: :
-----X

TO: NEVILLE JONES, M.D.
215 3rd Avenue West
Richardton, ND 58652

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 5th day of JAN., 1995 at 10:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.



You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before **DEC. 28**, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before **DEC. 28**, 1994, and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York
December 7, 1994



Chris Stern Hyman
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Terrence Sheehan
Associate Counsel
212-613-2601

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

-----X
IN THE MATTER : STATEMENT
OF : OF
NEVILLE JONES, M.D. : CHARGES
-----X

NEVILLE JONES, M.D., the Respondent, was authorized to practice medicine in New York State on December 23, 1969 by the issuance of license number 105300 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

SPECIFICATION

Respondent is charged with committing professional misconduct, within the meaning of N.Y. Educ. Law Section 6530(9)(d) (McKinney Supp. 1994), in that he has had his license to practice medicine suspended, and/or had other disciplinary action taken, where the conduct upon which the action was based would constitute misconduct as defined by N.Y. Educ. Law Section 6530(3) and (4) (McKinney Supp. 1994).

On or about July 23, 1993, Respondent, pursuant to a stipulation, surrendered his medical license to the North Dakota State

Board of Medical Examiners. This disciplinary action was imposed upon Respondent because Respondent engaged in a pattern of substandard care including his failure to perform a neurological assessment for a patient with a history of unexplained falls; to place a patient on replacement therapy for electrolyte disturbance; and to assess and treat one patient with hyponatremia and another patient who had severe diarrhea.

DATED: New York, New York

December 7, 1994



CHRIS STERN HYMAN
COUNSEL
Bureau of Professional Medical
Conduct