



New York State 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 of Health

Charles J. Vacanti, M.D.
Chair

March 20, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John A. Kall, M.D.
249 Park Avenue
Yonkers, New York 10703

RE: License No. 142420

Effective Date March 27, 1996

Dear Dr. Kall:

Enclosed please find Order #BPMC 96-58 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,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

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

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

CONSENT
ORDER

BPMC #96-58

Upon the application of JOHN A. KALL, 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 March 1996



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. KALL , M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

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

That on or about June 20, 1980, I was licensed to practice as a physician in the State of New York, having been issued License No. 142420 by the New York State Education Department.

My current address is 249 Park Avenue, Yonkers, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) 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 Specification of negligence with respect to my treatment of Patient A, allegations A, A1 and A2 of the Statement of Charges, and I admit to the Second Specification for failing to maintain an adequate record with respect to my treatment of Patient A , in full satisfaction of the charges against me.

I hereby agree to a censure and reprimand and further agree to enroll in and complete a course of education, or re-training in the proper prescribing of controlled substances, such as a course offered by the Forensic Educational Consultants, Margate, New Jersey, in the proper prescribing of controlled substances, or a course in controlled substance management offered by the Case Western Reserve University School of Medicine, or any other similar course approved by the Office of Professional Medical Conduct. Respondent agrees that he will complete the course of education or re-training by January 1, 1997.

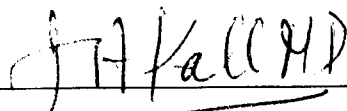
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to

resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.



JOHN A. KALL, M.D.
RESPONDENT

Sworn to before me this

22 day of *February*, 19*96*



NOTARY PUBLIC

DOLORES RAGONE
Notary Public, State of New York
No. 01RA4750612
Qualified in Westchester County
Commission Expires April 30, 1998 *97*

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

IN THE MATTER
OF
JOHN A. KALL, 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:

2/25/96

[Signature]

JOHN A. KALL, M.D.
Respondent

DATE:

Feb 28 1996

[Signature]

DANIEL GUENZBURGER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE:

2/28/96

[Signature]

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE:

14 March 1996

[Signature]

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

"EXHIBIT A"

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

STATEMENT
OF
CHARGES

JOHN A. KALL, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 20, 1980, by the issuance of license number 142420 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about and between September 5, 1986 and May 1, 1992, the Respondent treated Patient A at his office located at 249 Park Avenue, New York, New York. Patient A, a female, was 37 years old at the onset of treatment.

Respondent issued the following prescriptions for appetite suppressant medications between April 1, 1992 and May 1, 1992. On or about April 1, 1992, Respondent prescribed Tenuate Dosepan 75 mg., 30 tablets with 5 refills. On or about April 4, 1992, Respondent prescribed Didrex 50 mg., 90 tablets with 3 refills. On or about April 9, 1992, Respondent prescribed Didrex 50 mg., 90 tablets with 3 refills. On or about May 1, 1992, Respondent prescribed Didrex 50 mg., 90 tablets with two refills. In response to complaints from Patient A that the prescribed medications were not effectively suppressing her appetite, Respondent either switched the patient to a different appetite suppressant medication, or prescribed the brand name instead of the

generic version of medication. At the time Respondent discontinued the prescriptions, he did not order the pharmacy to refrain from filling the refills remaining on the prescriptions.

Respondent's care and conduct of Patient A deviated from medically accepted standards, in that:

1. Between April 1, 1992 and May 1, 1992, Respondent failed to take appropriate precautions against possible patient substance abuse from his prescribing of appetite suppressant medication.
 2. Respondent failed to maintain a record which accurately reflects the evaluation and treatment of Patient A.
- B. In or about and between February, 1991 and September, 1993, Respondent treated Patient B, an 82 year old female. Patient B had chronic pain from multiple compression fractures of the vertebrae caused by osteoporosis. She also suffered from chronic obstructive pulmonary disease.

Respondent's care and conduct of Patient B deviated from medically accepted standards, in that he:

1. Inappropriately prescribed Percocet

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1996) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. The facts in Paragraphs A, A1, A2; B and/or B1.

SECOND SPECIFICATION

FAILING TO MAINTAIN AN ADEQUATE RECORD

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1996) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

2. The facts in Paragraphs A and A2.

DATED: February , 1996
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct