



Board for Professional Medical Conduct

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

November 20, 1992

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Andrew Nkongho, M.D.
245 Parker Avenue
Maplewood, New Jersey 07040

RE: License No. 129655

Effective Date 11/27/92

Dear Dr. Nkongho:

Enclosed please find Order #BPMC 92-103 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 12237-0614

Sincerely,

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

Enclosure

cc: Jacobson & Goldberg, Esq.
Amy T. Kulb
585 Stewart Avenue
Garden City, New York 11530

David Smith, Esq.

bcc: Chris Hyman
Roy Nemerson
Carlos Perez
Kenneth Spooner
Cheryl Ratner
Faith Schottenfeld
Anne Bohenek

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

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IN THE MATTER :
OF : ORDER
ANDREW L. NKONGHO, M.D. : BPMC #92-103

-----X

Upon the application of ANDREW L. NKONGHO, 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:

9 November 1992

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
ANDREW L. NKONGHO, M.D. : CONSENT
: ORDER
-----X

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

NYS DEPT. OF HEALTH
DIVISION OF LEGAL AFFAIRS
PROFESSIONAL MEDICAL CONDUCT

OCT 20 1992

ANDREW L. NKONGHO, M.D., being duly sworn, deposes and says:

That in or about December, 1976 I was licensed to practice as a physician in the State of New York, having been issued License No. 129655 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1991 through December 31, 1992.

I understand that the New York State Board of Professional Medical Conduct has charged me with eleven (11) 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 following Specifications in full satisfaction of the charges against me.

1. NINTH SPECIFICATION

2. ELEVENTH SPECIFICATION

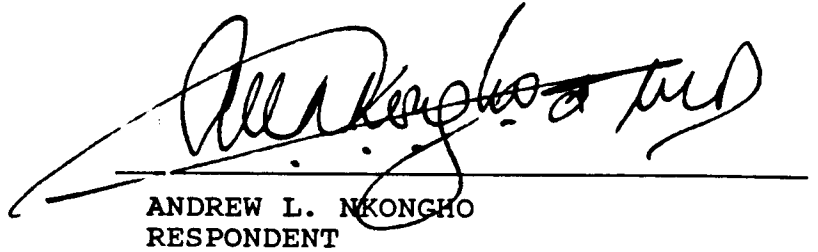
I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended for a period of two (2) years but that said suspension be stayed for the period of two (2) years and that I be put on probation for such 2-year period in accordance with the Terms of Probation set forth in Exhibit "B" attached hereto and made a part hereof.

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.



ANDREW L. NKONGHO
RESPONDENT

Sworn to before me this
19th day of *October*, 1992.

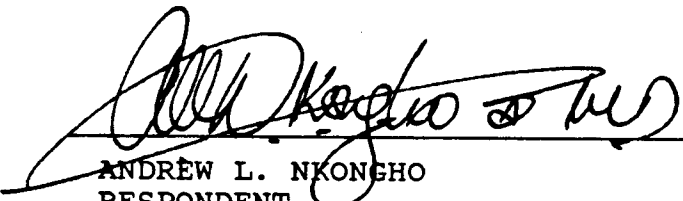
Christina DiIombarido
NOTARY PUBLIC

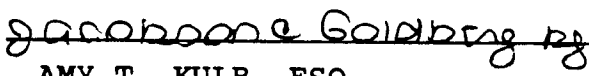
Christina DiIombarido
Notary Public
License # 43-4770336
Commission Expires 11/31/93

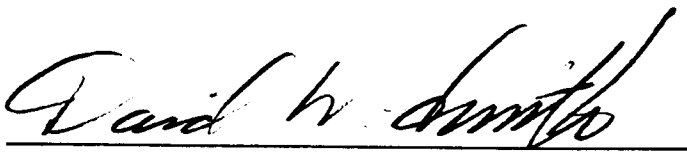
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : APPLICATION
OF : FOR
ANDREW L. NKONGHO, M.D. : CONSENT
: ORDER
-----X

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

Date: 10/19/92 
ANDREW L. NKONGHO
RESPONDENT

Date: 10/16/92 
AMY T. KULB, ESQ. *ATK*
ATTORNEY FOR RESPONDENT

Date: 11/13/92 
DAVID W. SMITH
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: nov. 17 1992

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 9 November 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ANDREW L. NKONGHO, M.D. : CHARGES

-----X

ANDREW L. NKONGHO, M.D., Respondent, was authorized to practice medicine in New York State in December, 1976 by the issuance of license number 129655 by the New York State Education Department. Respondent is currently registered to practice medicine in New York State for the period January 1, 1991 to December 31, 1992.

FACTUAL ALLEGATIONS

- A. In or about December, 1985, Patient A, a 27 year-old woman, (all Patients are identified in the Appendix attached hereto), was admitted to Queens Hospital Center, 82-68 164th Street, Jamaica, NY 11432, where Respondent treated her for a heart problem and other medical conditions.
1. Patient A had a large pericardial effusion giving signs of tamponade and was, because of her medical condition, a poor risk for an

operation. Nevertheless, Respondent, on December 30, 1985, performed a partial pericardectomy on Patient A which was not indicated and was performed incorrectly.

2. During the course of this operation, Respondent tore the inferior vena cava causing excessive hemorrhaging which Respondent was unable to stop and Patient A died on the operating table.

B. In or about December, 1984, Patient B, a 68 year-old male was admitted to Queens Hospital Center where he was treated by Respondent for a possible lymphocytic thymoma and other medical conditions.

1. On or about December 17, 1984, Respondent performed exploratory surgery on Patient B through a mediastinotomy splitting of the sternum. Respondent found a tumor extending into both chests and inappropriately attempted to dissect it. During such dissection, Respondent penetrated the vena cava causing massive hemorrhage and Patient B died on the operating table.

C. In or about November, 1984, Patient C, a 74 year-old male was admitted to Queens Hospital Center where Respondent treated him for a mass in the upper right lobe of the lung and other medical conditions.

1. Patient C was a poor risk for surgery because of his medical condition and Respondent knew or should have known this. Nevertheless, on or about December 13, 1984, Respondent performed inappropriate surgery on Patient C in an effort to resect a tumor on his lung, thereby causing Patient C to suffer cardiopulmonary insufficiency and to die on the second post-operative day.

D. In or about August 1985, Patient D, a 43 year-old male was admitted to Queens Hospital Center where Respondent treated him for pains and swelling in the right chest and shoulder and other medical conditions.

1. On or about August 8, 1985, Respondent performed an en-block resection of the right chest wall of Patient D, which was not indicated and was performed incorrectly. As a result, after such surgery, Patient D began to hemorrhage almost immediately in the recovery

room. Although Respondent knew Patient D was hemorrhaging, he failed to take the proper steps to stop the bleeding and Patient D died.

E. On or about August 12, 1986, Respondent was on duty in the Emergency Room at Lutheran Medical Center, 150 55th Street, Brooklyn, New York.

1. On or about the evening of August 12, 1986, Respondent practiced medicine in the Emergency Room of Lutheran Medical Center while being impaired by alcohol.

SPECIFICATIONS OF CHARGES

FIRST THROUGH FOURTH SPECIFICATIONS

PRACTICING WITH GROSS NEGLIGENCE ON A PARTICULAR OCCASION

Respondent is charged with professional misconduct by reason of practicing the profession with gross negligence on a particular occasion within the meaning of N.Y. Educ. Law Section 6530(4) (McKinney Supp. 1992) in that Petitioner charges:

1. The facts in Paragraphs A and A1-2.
2. The facts in Paragraphs B and B1.

3. The facts in Paragraphs C and C1.

4. The facts in Paragraphs D and D1.

FIFTH THROUGH EIGHTH SPECIFICATIONS

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with professional misconduct by reason of practicing the profession with gross incompetence within the meaning of N.Y. Educ. Law Section 6530(6) (McKinney Supp. 1992) in that Petitioner Charges:

5. The facts in Paragraphs A and A1-2.

6. The facts in Paragraphs B and B1.

7. The facts in Paragraphs C and C1.

8. The facts in Paragraphs D and D1.

NINTH 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 Section 6530(3) (McKinney Supp. 1992) in that Petitioner charges Respondent committed at least two of the following:

9. The facts in Paragraphs A and A1-2; B and B1; C and C1; and/or D and D1.

TENTH SPECIFICATION
PRACTICING WITH INCOMPETENCE ON
MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with incompetence on more than one occasion within the meaning of N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1992), in that Petitioner charges Respondent committed at least two of the following:

10. The facts in Paragraphs A and A1-2; B and B1; C and C1; and/or D and D1.

ELEVENTH SPECIFICATION

PRACTICING THE PROFESSION WHILE IMPAIRED BY ALCOHOL

Respondent is charged with practicing the profession while impaired by alcohol within the meaning of N.Y. Educ. Law Section 6530(7) (McKinney Supp. 1992) in that Petitioner charges:

11. The facts contained in Paragraph E and E1.

DATED: New York, New York
September 8, 1992



Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ANDREW L. NKONGHO, Respondent during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State.
3. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC) New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237-0614 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;
4. 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 NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
5. Should Respondent reside or practice outside the State of New York he shall notify the Director of OPMC in writing at the address above, Certified Mail, Return Receipt Requested, of the dates of his departure and return. Periods of residency or practice outside the State shall toll the probationary period for the duration of such out-of-state residency or practice.
6. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct 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 his profession in the State of New York and does not desire to register; and 2) Respondent has paid any fines which may have previously been imposed upon him by the Board of Regents. Proof of the above shall

be submitted no later than the first two months of the period of probation.

7. Respondent shall have quarterly meetings with OPMC and/or a member of the State Board for Professional Medical Conduct during the Probation. At these meetings, Respondent's professional performance may be reviewed together with a random selection of office records, patient records or hospital charts selected by a representative of OPMC.
8. As long as there is full compliance with every term of Probation herein set forth, Respondent may continue to practice his profession in accordance with these terms. However, in the event of non-compliance with, or violation of, any terms of this Probation, the Director of the Office of Professional Medical Conduct and/or the State Board for Professional Medical Conduct may initiate a Violation of Probation Proceeding or any other proceeding authorized by the N.Y. Public Health Law.