



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

April 28, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

John W. Valentine, M.D.
440 Northfield Road
Roxbury, Vermont 05669

RE: License No. 127370

Dear Dr. Valentine:

Enclosed please find Order #BPMC 99-86 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 28, 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: 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
JOHN W. VALENTINE, M.D.	:	BPMC # 99-86

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JOHN W. VALENTINE, M.D., says:

On or about July 1, 1976, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 127370 by the New York State Education Department. My address is 440 Northfield Road, Roxbury, VT 05669.

I understand that I have been charged with one (1) specification 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 agree not to contest the specification 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.

John W. Valentine
JOHN W. VALENTINE, M.D.
Respondent

AGREED TO:

Date: 21 April, 1999

Robert Bogan
ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 22, 1999

Anne Saile
ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of JOHN W. VALENTINE, 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: 4/26/99



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
JOHN W. VALENTINE, M.D. : CHARGES

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John Jr.
(THOMAS) W. VALENTINE, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1976 by the issuance of license number 127370 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 29, 1998, the State of Vermont, Board of Medical Practice, (hereinafter "Vermont Board"), entered into a Stipulation and Consent Order, (hereinafter "Vermont Order") with the Respondent. Pursuant to the Vermont Order, among other things, the Respondent's license to practice medicine was conditioned indefinitely.

B. In the Vermont Order, referred to in Paragraph A above, the Respondent, an oncologist, admitted that: "he suffers from an addiction to narcotics and that on numerous occasions he wrongfully obtained such narcotic substances," and, "his having engaged in the conduct....above constitutes unprofessional conduct." There was also a finding that, "Respondent had previously been subject to conditions of licensure."

C. The conduct resulting in the Vermont 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 Law:

1. New York Education Law Section 6530 (7) (practicing the profession while impaired); and/or

2. New York Education Law Section 6530 (8) (being dependent or a habitual user of narcotics).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is guilty of violating New York Education Law Section 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 the following:

1. The facts in paragraphs A, B, and/or C.

SECOND SPECIFICATION

Respondent is guilty of professional misconduct under New York State Education Law Section 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:

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

DATED: , 1999
Albany, New York

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