



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., Dr.P.H.
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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair

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

October 30, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Donna Boles Vining, M.D.
44 Chestnut Road
Chatham, New Jersey 07928

RE: License No. 176994

Dear Dr. Vining:

Enclosed please find Order #BPMC 00-291 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 30, 2000.

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: Richard A. Tanner, Esq.
Dickson, Ashenfeller, Et. al.
250 Bellevue Avenue
Upper Montclair, New Jersey 07043-1394

Robert Bogan, Esq.

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

IN THE MATTER
OF
DONNA BOLES VINING D.O.

SURRENDER
ORDER
BPMC No. 00-291

DONNA BOLES VINING, D.O., says:

On or about January 3, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 176994 by the New York State Education Department. I currently reside at 44 Chestnut Road, Chatham, NJ 07928. I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me 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 hereby agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same 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 first.

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


Date: OCTOBER 10, 2000

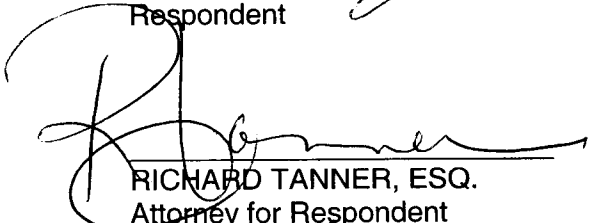
AGREED TO:


Date: OCT 16, 2000

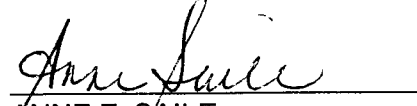
Date: OCTOBER 17, 2000

Date: October 19, 2000


DONNA BOLES VINING D.O.
Respondent


RICHARD TANNER, ESQ.
Attorney for Respondent


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct


ANNE F. SAILE
Director, Office of Professional
Medical Conduct

ORDER

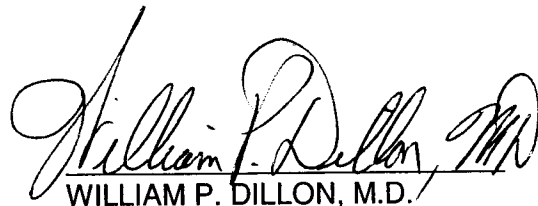
Upon the proposed agreement of **Donna Boles Vining D.O.**, to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 10/24, 2000



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

IN THE MATTER
OF
DONNA BOLES VINING, D.O.

STATEMENT
OF
CHARGES

DONNA BOLES VINING, D.O., the Respondent, was authorized to practice medicine in New York state on January 3, 1989, by the issuance of license number 176994 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 9, 2000, in the United States District Court, Southern District of New York, Respondent was found guilty one (1) count of Health Care Fraud in violation of Title 18 U.S.C. §1347; one (1) count of False Statements Relating to Health Care Matters in violation of Title 18 U.S.C. §1035 (a)(2); and five (5) counts of False Claims for Physician's Services under the Medicare Program in violation of Title 42 U.S.C. §1320a-7b(a)(5).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by reason of having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: Albany, New York
, 2000

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