



***New York State Board for Professional Medical Conduct***

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

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NYS Department of Health*

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NYS Department of Health*

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*Office of Professional Medical Conduct*

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Michael A. Gonzalez, R.P.A.  
*Vice Chair*

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

May 6, 2003

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Colonel Henry Yarboro, III, M.D.  
Hooking Correctional Facility  
ID#441375  
P.O. Box 59  
Nelsonville, OH 45764

RE: License No. 156690

Dear Dr. Yarboro:

Enclosed please find Order #BPMC 03-118 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect May 13, 2003.

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

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

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**IN THE MATTER**

**OF**

**COLONEL HENRY YARBORO, III, M.D.**  
**CO-03-02-0696-A**

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**SURRENDER**

**ORDER**

BPMC NO. 03-118

**COLONEL HENRY YARBORO, III, M.D., says:**

On or about November 14, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 156690 by the New York State Education Department. I currently reside at Hocking Correctional Facility, ID# 441375, P.O. Box 59, Nelsonville, Ohio 45764.

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 three (3) specifications 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 three (3) specifications set forth in the Statement of Charges (Exhibit A).

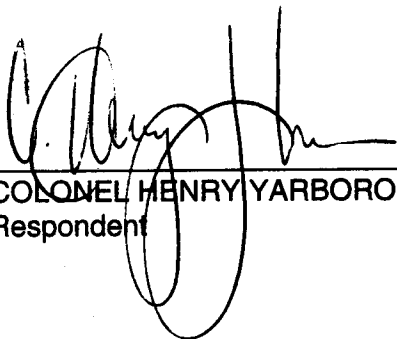
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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 or manner.

Date: 4/22/03, 2003

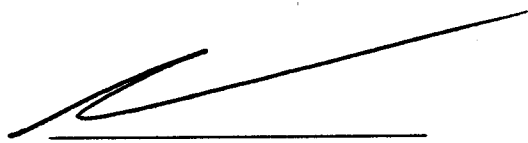
  
COLONEL HENRY YARBORO III, M.D.  
Respondent

AGREED TO:

Date: 4/28/03, 2003

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 4/29/03, 2003

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

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

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IN THE MATTER  
OF  
COLONEL HENRY YARBORO III, M.D.  
CO-03-02-0696-A

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STATEMENT  
OF  
CHARGES

COLONEL HENRY YARBORO III, M.D., the Respondent, was authorized to practice medicine in New York state on November 14, 1983, by the issuance of license number 156690 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 29, 2002, the State Medical Board of Ohio (hereinafter "Ohio Board"), by an Entry of Order (hereinafter "Ohio Order"), permanently REVOKED Respondent's certificate to practice medicine and surgery, based upon Respondent's trafficking in drugs.

B. On or about January 3, 2003, in Cuyahoga County, State of Ohio, Respondent was convicted of two (2) counts of drug trafficking, 4<sup>th</sup> degree, a felony, and sentenced to five (5) years confinement.

C. The conduct resulting in the Ohio Board 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 §6530(20) (moral unfitness).

## **SPECIFICATIONS**

### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by 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 under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or C.

### **SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530 (9)(d) by having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


2. The facts in Paragraphs A and/or C.

### **THIRD SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction, in that Petitioner charges:

3. The facts in Paragraph B.

DATED: *April 14*, 2003  
Albany, New York

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

## ORDER

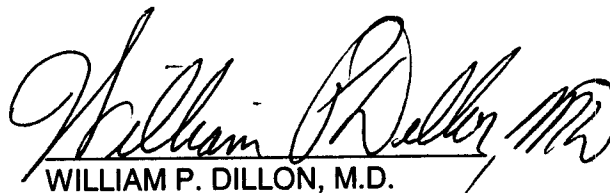
Upon the proposed agreement of **COLONEL HENRY YARBORO III, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of 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: 5/5, 2003



WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct