



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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*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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

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

PUBLIC

July 28, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

D.D.
William J. Van Kleeck, Jr, ~~M.D.~~
192 Abeel Street
Kingston, NY 12401

Re: License No. 155587

Dear Dr. Van Kleeck:

Enclosed please find Order #BPMC 04-169 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 4, 2004.

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 the 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: Maureen A. Keegan, Esq.
Basch and Keegan
P.O. Box 4325
307 Clinton Avenue
Kingston, NY 12402

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

IN THE MATTER
OF
WILLIAM JAY VAN KLEEK, D.O.

CONSENT
ORDER

BPMC No. 04-169

Upon the application of William Jay Van Kleek, D.O. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 7/28/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
WILLIAM JAY VAN KLEEK, D.O.**

**CONSENT
AGREEMENT
AND
ORDER**

William Jay Van Kleek, D.O., representing that all of the following statements are true, deposes and says:

That on or about August 29, 1983, I was licensed to practice as a physician in the State of New York, and issued License No. 155587 by the New York State Education Department.

My current address is 192 Abeel Street, Kingston, New York, 12401 and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to the first specification, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(3) of the Public Health Law, my license to practice medicine in the State of New York shall be limited so as to preclude the prescribing, dispensing, or administering of any controlled substance, and to preclude my holding of a Drug Enforcement Agency certificate.

Furthermore my license to practice medicine in the State of New York shall be limited so as to preclude the practice of bariatrics and/or diet management.

A three year period of probation in accordance with the terms of Probation in Exhibit B.

I further agree that the Consent Order shall impose the following conditions:

That within fifteen days of the Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA. Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC within thirty days of the Order's effective date; and

Within fifteen (15) days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. If no other licensee is providing services at his practice location, Respondent shall dispose of all controlled substances. Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC within thirty days of the Order's effective

date; and

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

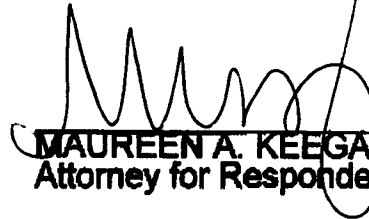
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 07/09/04


WILLIAM JAY VAN KLECK, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 7/12/04


MAUREEN A. KEEGAN, ESQ.
Attorney for Respondent

DATE: 7-14-04


JOSEPH H. CAHILL
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 7/23/04


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance at least quarterly. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices. Respondent shall comply with this paragraph and shall bear all associated compliance costs.

8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program in the area of medical records, or such other area as may be approved by the Director, for a minimum of 12 credit hours. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year probation period, unless the Order specifies otherwise.
10. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

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

IN THE MATTER
OF
WILLIAM VAN KLEECK, D.O.

STATEMENT
OF
CHARGES

William Van Kleeck, D.O., Respondent, was authorized to practice medicine in New York State on or about August 29, 1983, by the issuance of license number 155587 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care at his office, located at 192 Abeel Street, Kingston, New York, 12401 to Patient A, from approximately 1989 to 2001. Respondent's care and treatment of Patient A failed to meet accepted standards of medical care in that:
1. Respondent inappropriately prescribed Didrex for Patient A's obesity for an excessive time period.
 2. Respondent inappropriately prescribed meprobamate for Patient A for an excessive period of time.
 3. Respondent failed to adequately document Patient A's medical record, including initial history and progress notes.
- B. Respondent provided medical care at his office to Patient B. Respondent's care and treatment of Patient B failed to meet accepted standards of medical care in that:
1. Respondent inappropriately prescribed Didrex for Patient B without adequate medical justification.

2. Respondent failed to adequately document Patient B's medical record, including initial history and progress notes.
- C. Respondent provided medical care at his office to Patient C from approximately 1987 through 2001. Respondent's care and treatment of Patient C failed to meet accepted standards of medical care in that:
1. Respondent inappropriately prescribed Didrex for Patient C's obesity for an excessive period of time.
 2. Respondent inappropriately prescribed meprobamate for Patient C for an excessive period of time.
 3. Respondent failed to adequately document Patient C's medical record; including initial history and progress notes.
- D. Respondent provided medical care at his office to Patient D from approximately 1987 to 2001. Respondent's care and treatment of Patient D failed to meet accepted standards of medical care in that:
1. Respondent inappropriately prescribed Didrex for Patient D's obesity for an excessive period of time.
 2. Respondent inappropriately continued to prescribe meprobamate for an excessive period of time.
 3. Respondent failed to adequately document Patient A's medical record; including initial history and progress notes.

E. Respondent provided medical care at his office to Patient E from approximately 1991 to 2002. Respondent's care and treatment of Patient E failed to meet accepted standards of care in that:


- 1. Respondent inappropriately prescribed Didrex to Patient E for an excessive time period.**
- 2. Respondent inappropriately prescribed hydrocodone/codeine to Patient E for excessive time periods.**
- 3. Respondent failed to adequately document Patient E's medical record, including initial history and progress notes.**

SPECIFICATION OF CHARGES
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in New York Education Law § 6530(3) 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 and A.1, A and A.2 and A and A.3
2. The facts in paragraphs B and B.1, and B and B.2
3. The facts in paragraphs C and C.1, C and C.2, and C and C.3
4. The facts in paragraphs D and D.1, D and D.2, and D and D.3
5. The facts in paragraphs E and E.1, E and E.2, and E and E.3

DATED: July 15, 2004
New York


Peter D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct