

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

IN THE MATTER
OF
JAY MBENG NFONoyIM, M.D.

CONSENT
ORDER

BPMC No. 04-49

Upon the application of (Respondent) JAY MBENG NFONoyIM, M.D. 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: 3/11/04


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
JAY MBENG NFONoyIM, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

JAY MBENG NFONoyIM, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 2, 1990, I was licensed to practice as a physician in the State of New York, and issued License No.182840 by the New York State Education Department.

My current address is set forth in attached Appendix "A", 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 one specification of professional misconduct.

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

I do not contest the First Specification, Violation of Pub. Health Law Section 2805-k, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to Public Health Law Section 230-a(1), a Censure and Reprimand shall be imposed upon me. Pursuant to Public Health Law Sections 230-a(7) and (9), I shall be subject to a \$10,000 fine to be paid in full within 30 days of the effective date of this Order, and as further set forth below.

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

That Respondent shall maintain active registration of his license 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.

That Respondent shall pay the fine imposed in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

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.

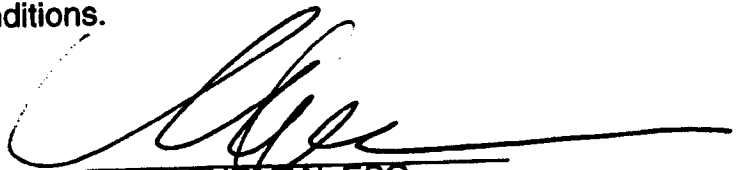
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, 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 02/20/04



JAY MBENG N FONDYIM, M.D.
RESPONDENT

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

DATE: 2/2/04


MARK FURMAN, ESQ.
Attorney for Respondent

DATE: Feb. 25, 2004


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 3/09/04



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
JAY MBENG NFONoyIM, M.D.

STATEMENT
OF
CHARGES

JAY MBENG NFONoyIM, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 2, 1990, by the issuance of license number 182840 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. In connection with his applications for staff privileges at Mount Sinai Medical Center - Elmhurst Hospital, New York, N.Y., Respondent knowingly submitted false documentation in that he failed to affirmatively disclose his affiliation at St. Vincent's Hospital from on or about September 2001 through on or about May 2003.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

VIOLATION OF PUBLIC HEALTH LAW SECTION 2805-k

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(14) by having violated Pub. Health Law Section 2805-k, as alleged in the facts of:

1. Paragraph A.

DATED:

Feb 25, 2004
~~December 1, 2003~~
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct