



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

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

Richard F. Daines, M.D.  
*Commissioner*  
*NYS Department of Health*

Keith W. Servis  
*Director*  
*Office of Professional Medical Conduct*

*Public*

Kendrick A. Sears, M.D.  
*Chair*

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

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

August 24, 2007

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

Edward Tomaneng, M.D.  
2007 Yaupon Valley Road  
Austin, TX 78740

Re: License No. 140631

Dear Dr. Tomaneng:

Enclosed is a copy of Order #BPMC 07-189 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 31, 2007.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299**

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER  
OF  
EDWARD TOMANENG, M.D.

CONSENT  
ORDER

BPMC No. #07-189

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Upon the application of (Respondent), **EDWARD TOMANENG, 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 it is further

ORDERED, that this Consent 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: 8-23-07



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KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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**IN THE MATTER**  
**OF**  
**EDWARD TOMANENG, M.D.**  
**CO-07-04-2211-A**

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**CONSENT**  
**AGREEMENT**  
**AND ORDER**

**EDWARD TOMANENG, M.D.**, representing that all of the following statements are true, deposes and says:

That on or about November 16, 1979, I was licensed to practice as a physician in the State of New York, and issued License No. 140631 by the New York State Education Department.

My current address is 2007 Yaupon Valley Road, Austin, TX 78740.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one (1) Specification of professional misconduct, based solely upon the Texas Medical Board, April 13, 2007, Agreed Order.

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

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand and a \$10,000.00 fine and the requirement that I maintain active registration of my medical license.

I have not, however, practiced medicine in the State of New York in many years and I do not intend to return to the practice of medicine in the State of New York. I do not, therefore, contest the one (1) Specification, in full satisfaction of the charges against me, and agree to the following penalty in lieu of the settlement originally offered to me by the State of New York:

to never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York 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 New York Public Health Law.

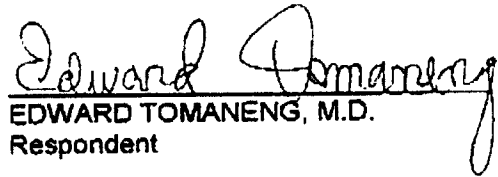
I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. 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 I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 8-14-07

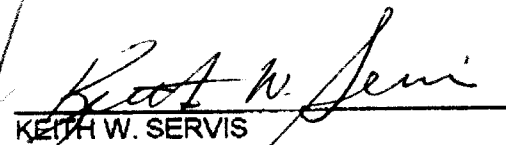
  
EDWARD TOMANENG, M.D.  
Respondent

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

DATE: 14 August 2007

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 8/21/07

  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

## STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
EDWARD TOMANENG, M.D.  
CO-07-04-2211-A

STATEMENT  
OF  
CHARGES

EDWARD TOMANENG, M.D., Respondent, was authorized to practice medicine in New York state on November 16, 1979, by the issuance of license number 140631 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 13, 2007, the Texas Medical Board (hereinafter "Texas Board"), by an Agreed Order (hereinafter "Texas Order"), placed Respondent's medical license under three (3) years terms and conditions, based on performing diagnostic studies not warranted for patients' presentations.

B. The conduct resulting in the Texas 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(35) (ordering of excessive tests, treatment or use of facilities not warranted by the condition of the patient).

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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 New York state, in that Petitioner charges:

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

DATED: *July 13*, 2007  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct