



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

Kendrick A. Sears, M.D.
Chair

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

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

Public

September 13, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Janice Elaine Katz, M.D.
5A Welch Park
Lexington, VA 24450

Re: License No. 171380

Dear Dr. Katz:

Enclosed is a copy of Order #BPMC 07-197 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 20, 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

IN THE MATTER

CONSENT

OF

ORDER

JANICE KATZ, M.D.

BPMC No. #07-197

Upon the application of (Respondent), **JANICE KATZ, 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

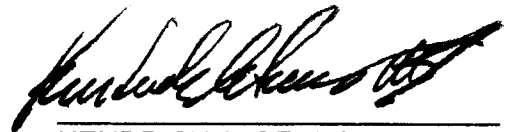
ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

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: 9-12-07



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

IN THE MATTER

OF

**JANICE KATZ, M.D.
CO-07-03-1526-A**

CONSENT

AGREEMENT

AND ORDER

JANICE KATZ, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 30, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 171380 by the New York State Education Department.

My current address is 5A Welch Park, Lexington, VA 24450.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely upon the State of Tennessee, Department of Health, Board of Medical Examiners, February 28, 2007, 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 three (3) years probation and that I fully comply with the State of Tennessee, February 28, 2007, Order and the requirement that I maintain active registration of my New York State 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 Factual Allegations A and B(2) and (6) and the two (2) Specifications, 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: September 4, 2007



JANICE KATZ, M.D.
Respondent

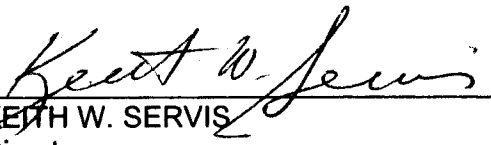
The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 05 September 2007



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 9/11/07



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
JANICE KATZ, M.D.
CO-07-03-1526-A

STATEMENT
OF
CHARGES

JANICE KATZ, M.D., Respondent, was authorized to practice medicine in New York state on July 30, 1987, by the issuance of license number 171380 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about February 28, 2007, the State of Tennessee, Department of Health, Board of Medical Examiners, (hereinafter "Tennessee Board"), by an Order (hereinafter "Tennessee Order"), inter alia, placed Respondent's license to practice medicine on three (3) years probation, required her to complete a "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls" three (3) day seminar, and assessed a \$14,000.00 penalty, based on failing to maintain an accurate medical record; using a prescription blank bearing the name, address, and telephone number of her former employer, after her employment had ended, to prescribe controlled substance prescriptions; unprofessional, dishonorable, or unethical conduct; making false statements or representations, or being guilty of deceit in the practice of medicine; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable or justified for a diagnosed condition; and dispensing, prescribing or otherwise distributing to any person, a controlled substance or other drug, if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient.

B. The conduct resulting in the Tennessee 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(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(5) (incompetence on more than one occasion);
5. New York Education Law §6530(6) (gross incompetence); and/or
6. New York Education Law §6530(32) (failing to maintain a record for each patient

which accurately reflects the evaluation and treatment of the patient).

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 resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

SECOND 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 of New York state, in that Petitioner charges:

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

DATED: *August 7*, 2007
Albany, New York


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