



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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Office of Professional Medical Conduct

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Vice Chair

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

July 21, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David Walter Dale, D.O.
1340 S. Highway 63
Houston, Missouri 65483

RE: License No. 124798

Dear Dr. Dale:

Enclosed please find Order #BPMC 00-205 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect July 21, 2000.

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

cc: William D. Yoquinto, Esq.
O'Connor, Yoquinto and Ryan
504 Broadway
P.O. Box 1176
Troy, New York 12181-1176

Robert Bogan, Esq.

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

IN THE MATTER
OF
DAVID WALTER DALE, D.O.

SURRENDER
ORDER
BPMC 00-205

DAVID WALTER DALE, D.O., says:

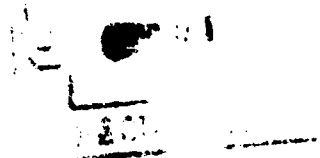
On or about August 15, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 124798 by the New York State Education Department. I currently reside at 1340 S. Highway 63, Houston, Missouri 65483. I am not currently registered with the New York 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 two (2) 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 two (2) 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 of manner.

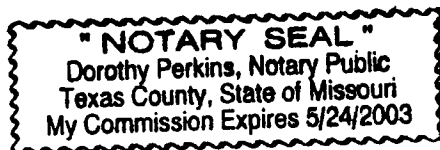
Date: 7/5/00, 2000


DAVID WALTER DALE, D.O.
Respondent

Sworn to before me on this

05 day of July, 2000

Dorothy Perkins
NOTARY PUBLIC



AGREED TO:

Date: July 10, 2000

Date: 15 July, 2000

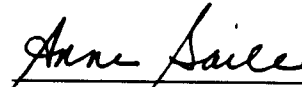
Date: July 17, 2000



WILLIAM D. YOQUINTO, ESQ.
Attorney for Respondent



ROBERT BOGAN
Assistant Counsel
Bureau of Professional Medical
Conduct



ANNE F. SAILE
Director, Office of Professional
Medical Conduct

EXHIBIT "A"

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

IN THE MATTER
OF
DAVID WALTER DALE, D.O.

STATEMENT
OF
CHARGES

DAVID WALTER DALE, D.O., the Respondent, was authorized to practice medicine in New York state on August 15, 1975, by the issuance of license number 124798 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 22, 1999, the Missouri State Board of Registration for the Healing Arts (hereinafter "Missouri Board"), by a Settlement Agreement (hereinafter "Missouri Agreement"), placed the Respondent's license to practice medicine on five (5) years probation with conditions, based on his prescribing controlled substances, containing hydrocodeine and soma, to other individuals for his own use, his prescribing of soma and controlled substances to himself, abuse of soma and hydrocodeine, failure to have a DEA registration certificate and allowing a person who was not credentialed to practice as an advanced practice nurse.

B. The conduct referred to in Paragraph A constitutes misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(8) (being dependent on or a habitual user of narcotics);
2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or

3. New York Education Law §6530(25) (delegating professional responsibilities to a person not qualified to perform them).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having 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 B.

SECOND SPECIFICATION

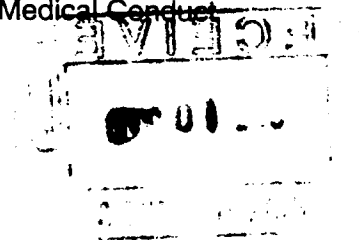
Respondent violated New York State Education Law §6530 (9)(d) by having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct, under the laws of New York state, in that Petitioner charges:

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

DATED: *May 11*, 2000
Albany, New York



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



ORDER

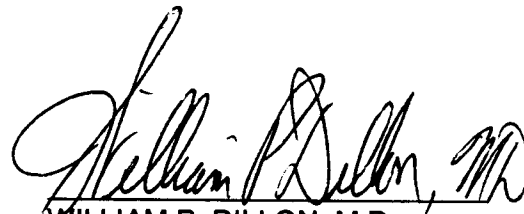
Upon the proposed agreement of DAVID WALTER DALE, D.O., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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: 7/18/00, 2000



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