



Public
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.
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NYS Department of Health
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Keith W. Servis, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Carmela Torrelli
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

April 14, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James Irvin Jones, M.D.

RE: License No. 169407

Dear Dr. Jones:

Enclosed is a copy of Order BPMC #10-60 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect April 21, 2010.

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1717
Empire State Plaza
Albany, New York 12237

Sincerely,

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

cc: Anthony Scher, Esq.
Wood & Scher
222 Bloomingdale Road, Suite 311
White Plains, NY 10605

**IN THE MATTER
OF
JAMES IRVIN JONES, M.D.**

**CONSENT
ORDER**

BPMC No. 10-60

Upon the application of (Respondent) JAMES IRVIN JONES, 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.

DATE: 4-13-2010

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

**IN THE MATTER
OF
JAMES IRVIN JONES, M.D.**

**CONSENT
AGREEMENT**

JAMES IRVIN JONES, M.D., represents that all of the following statements are true:

That on or about March 3, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 169407 by the New York State Education Department.

My current address is _____, 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 (Board) has charged me with four 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 do not contest the First, and Second Specifications, Failing to Provide Access by Qualified Persons to Patient Information and the Third Specification Failing to Maintain a Record for Each Patient which Accurately Reflects the Evaluation and Treatment of a Patient, in full satisfaction of the charges against me, and agree to the following penalties:

Pursuant to N.Y. Pub. Health Law §§ 230-a(1), I shall be subject to a Censure and reprimand, and:

Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of \$10,000, to be paid in full

within 30 days of the Consent Order's effective date.

Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1717
Albany, New York 12237

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

- With respect to his former medical practice located at 330 West 58th St., Suite 414, New York, N.Y. 10019, Respondent shall, within 30 days of the Consent Order's effective date:
 - maintain immediate access to all existing patient information, including but not limited to all existing medical records and films for all patients from his former medical practice located at 330 West 58th St., Suite 414, New York, N.Y. 10019, and
 - put in place a records access plan, subject to the Director of the Office of Professional Medical Conduct's written approval, for the dissemination to qualified persons, in accordance with N.Y. Pub. Health Law Sec. 18, of all patient information, including but not limited to all existing medical records and films, related to his former medical practice located at 330 West 58th St., Suite 414, New York, N.Y. 10019, and

- continue to make a good faith effort to locate the records for Patient A that are referred to in the First, Second and Third specification and provide same to Individual A if said records are located.
- provide Patient B, with the records for Patient B that are referred to in the First and Second Specifications.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee 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 Consent 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 Consent 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 Consent Order shall constitute misconduct as defined by N.Y. Educ. 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 N.Y. Pub. 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 N.Y. Pub. 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.

DATE 3/30/2010

JAMES IRVIN JONES, M.D.
RESPONDENT

EXHIBIT A

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

IN THE MATTER
OF
JAMES IRVIN JONES, M.D.

STATEMENT
OF
CHARGES

JAMES IRVIN JONES, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 3, 1987, by the issuance of license number 169407 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. During periods in or about 2008 to date, Respondent failed to provide access by qualified persons to patient information, in accordance with the standards set forth in N.Y. Pub. Health Law § 18, as added by chapter 497 of the laws of 1986, in that Respondent failed to provide access by the following qualified persons to the specified patient information, upon request:
1. Individual A, a distributee of a deceased subject, Patient A, for whom no personal representative has been appointed, to the complete medical records for Patient A, her deceased husband; and
 2. Patient B, to the results of blood testing performed on him on or about August 27, 2007.
- [Individual A, and Patients A and B are identified in the attached "Appendix."]
- B. During the periods in or about 2008 to date, Respondent failed to maintain records, for each of the following patients, which accurately reflect the care and treatment of the patient:

1. Patient A; and
2. Patient B.

SPECIFICATION OF CHARGES
FIRST AND SECOND SPECIFICATIONS
FAILING TO PROVIDE ACCESS BY QUALIFIED
PERSONS TO PATIENT INFORMATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(40) by failing to provide access by qualified persons to patient information in accordance with the standards set forth in section eighteen of the public health law as added by chapter 497 of the laws of 1986, as alleged in the facts of:

1. Paragraph A and A.1.
2. Paragraph A and A.2.

SECOND AND THIRD SPECIFICATIONS
FAILING TO MAINTAIN A RECORD FOR EACH PATIENT WHICH
ACCURATELY REFLECTS THE EVALUATION AND
TREATMENT OF A PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

3. Paragraph B and B.1.
4. Paragraph B and B.2.

DATE: December 31, 2009
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct