

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

IN THE MATTER
OF
JON AUSTIN, D.O.

COMMISSIONER'S
SUMMARY
ORDER

TO: JON AUSTIN, D.O.
1219 North 41st Drive
Phoenix, AZ 85029

License # 070823

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (Arizona Board of Osteopathic Examiners) has made a finding substantially equivalent to a finding that the practice of medicine by JON AUSTIN, D.O., (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in documents of the Arizona Board of Osteopathic Examiners, which are attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York or in any other jurisdiction where that practice is dependent on a valid New York State license.

Any practice of medicine in the State of New York in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ.

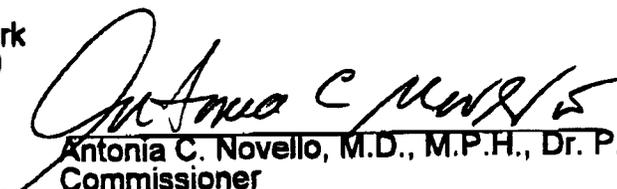
Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the State of Arizona. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Summary Hearing, together with a Statement of Charges to be provided to the Respondent after the final conclusion of the Arizona proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the Arizona proceeding immediately upon such conclusion.

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW
YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS
MATTER.

DATED: Albany, New York
October 3, 2000



Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
New York State Health Department

Inquiries should be directed to:

Robert Bogan
Associate Counsel
NYS Department of Health
Hedley Park Place
433 River Street, Suite 303
Troy, New York 12180
(518) 402-0803

BEFORE THE ARIZONA BOARD OF

OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

IN THE MATTER OF:

Case No. 2832

JON AUSTIN, D.O.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND SUMMARY SUSPENSION
OF LICENSE**

Holder of License No. 1395 for the
practice of osteopathic medicine in the
State of Arizona.

The Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") held a public meeting on August 19, 2000, regarding Jon Austin, D.O. (hereinafter "Respondent"). During the Board's review of information and evidence obtained pursuant to A.R.S. § 32-1855 and § 32-1855.01, in Case No. 2747, the Board determined and entered the following Findings of Fact, Conclusions of Law and Order of Summary Suspension, pending proceedings for revocation or other action independently from Case No. 2747.

FINDINGS OF FACT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. To regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent is a licensee of the Board and the holder of License No. 1395 for the practice of osteopathic medicine in the State of Arizona. Respondent appeared confused, unable to respond to questions regarding the appropriateness and purpose of prescribing Viagra and irrational.
7. In public session, the Board voted on August 19, 2000 that Respondent was medically and/or psychologically unable to engage in the practice of medicine and was an immediate threat to the health and welfare of the public.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064 when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.

ORDER**NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

1. Pursuant to A.R.S. § 32-1855(C) and § 41-1064, **SUMMARILY SUSPENDING LICENSE NO. 3510 HELD BY JON AUSTIN, D.O.** for the practice of osteopathic medicine in this State of Arizona effective August 19, 2000 pending further disciplinary proceedings or until further Order of the Board.

2. Pursuant to A.R.S. § 32-1855(C), that JON AUSTIN, D.O. shall submit himself for such mental, physical or oral or written medical competency examinations or any combination thereof as will be designated by the Board. Such examinations shall be conducted by persons specified by the Board:

3. Pursuant to A.R.S. § 32-1855(C), this matter shall be heard by a Hearing Officer or the full Board within sixty (60) days.

EFFECTIVE the 19th day of August, 2000.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
Ann Marie Berger, Executive Director