



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

November 16, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jon Austin, D.O.
12419 West 41st Drive
Phoenix, AZ 85029

RE: License No. 070823

Dear Dr. Austin:

Enclosed please find Order #BPMC 00-318 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 16, 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: Robert Bogan, Esq.

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

IN THE MATTER
OF
JON AUSTIN, D.O.

SURRENDER
ORDER
BPMC No. 00-318

Jon Austin, D.O., says:

On or about October 5, 1960, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 070823 by the New York State Education Department. I currently reside at 12419 North 41st Drive, Phoenix, Arizona 85029. 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 three (3) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have retired from the practice of medicine and 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 three (3) 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: November 7, 2000



JON AUSTIN, D.O.
Respondent

AGREED TO:

Date: 8 November, 2000



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: November 10, 2000



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
JON AUSTIN, D.O.

STATEMENT
OF
CHARGES

JON AUSTIN, D.O., the Respondent, was authorized to practice medicine in New York state on October 6, 1950, by the issuance of license number 070823 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 19, 2000, the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereinafter "Arizona Board"), by a Stipulation and Consent Order for Restriction of License (hereinafter "Arizona Order"), restricted Respondent from prescribing any medications without performing complete physicals and histories or renewing any prescriptions for medications that have not had complete physicals and histories, based on his prescribing medications to the public without establishing a doctor/patient relationship or seeing the patient in the office to complete a physical and history.

B. On or about August 19, 2000, the Arizona Board, by a Findings Of Fact, Conclusions of Law and Summary Suspension of License, (hereinafter "Arizona Suspension"), suspended Respondent's license to practice Osteopathic medicine, based on his appearing confused, unable to respond to questions regarding the appropriateness and purpose of prescribing Viagra and irrational, and an Arizona Board vote that he, " was medically and or psychologically unable to engage in practice of medicine and was an imminent threat the health and welfare of the public."

C. On or about October 4, 2000, the Arizona Board, by a Stipulation and Consent Order for Surrender of License, accepted the voluntary Surrender of Respondent's license, based on the determination set forth in Paragraph B above.

D. The conduct resulting in the Arizona Board's disciplinary actions 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(7) (practicing the profession while impaired by physical disability or mental disability).

SPECIFICATIONS

FIRST THROUGH THIRD SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(d) by having surrendered his license to practice medicine suspended or having had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action 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 D
2. The facts in paragraphs B and/or D.
3. The facts in paragraphs B, C, and/or D.

DATED: *Oct 17*, 2000
Albany, New York



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

ORDER

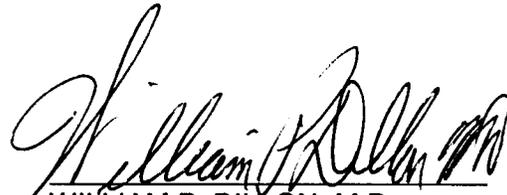
Upon the proposed agreement of **Jon Austin D.O.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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: 11/17/00, 2000



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