

PUBLIC

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

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IN THE MATTER : COMMISSIONER'S
OF : ORDER
JOSEPH AMENT, M.D. :

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Respondent herein, Joseph Ament, M.D., having submitted an Application for Consent Order, dated June 5, 1989, in which he does not contest the specifications of misconduct set forth in the fourth through ninth paragraphs of the subject Statement of Charges, and, agrees to a penalty of a Censure and Reprimand and a fine of \$1,500.00.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Application for a Consent order is
Granted;
2. The above specifications of misconduct are
sustained, and

3. Respondent is Censured and Reprimanded and fined the sum of \$1,500.00.

DATED: Albany, New York

8/11, 1989


DAVID AXELROD, M.D.
Commissioner of Health
State of New York

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

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IN THE MATTER

APPLICATION

OF

FOR

JOSEPH AMENT, M.D.

CONSENT

ORDER

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STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

JOSEPH AMENT, M.D., being duly sworn, deposes and says:

That on or about July 1, 1980 I was licensed to practice as a physician in the State of New York, having been issued License No. 142439 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1989 through December 31, 1991 from 1045 Park Avenue, New York, New York 10028.

I understand that the New York State Board of Professional Medical Conduct has charged me with nine Specifications of professional misconduct.

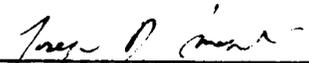
A copy of the Notice of Violations Committee Proceeding and the Statement of Charges are annexed hereto, made a part hereof, and marked as Exhibits "A" and "B" respectively.

I do not contest the Fourth through Sixth Specifications, willfully making a false report (as set forth in paragraphs 4, 5 and 6); and I do not contest the Seventh through Ninth Specifications, failing to maintain accurate patient records (as set forth in paragraphs 7, 8 and 9), in full satisfaction of all the specifications of professional misconduct.

I hereby agree to the penalty of a censure and reprimand and a fine of \$1,500.00.

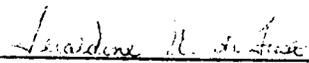
I hereby make this application and request that it be granted.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



JOSEPH AMENT, M.D.
Respondent

Sworn to before me this
5th day of June, 1989



NOTARY PUBLIC

GERALDINE A. LOFASO
NOTARY PUBLIC, State of New York
No. 41-482043
Qualified in Nassau County
Commission Expires Feb. 28, 1991

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

IN THE MATTER : APPLICATION
OF : FOR
JOSEPH AMENT, M.D. : CONSENT
: ORDER

The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Date: 6/08/89

Joseph D. Ament
JOSEPH AMENT, M.D.
Respondent

Date: 6/08/89

Bower & Gardner by JEB
BOWER & GARDNER
Attorneys for Respondent

Date: June 29, 1989

Deane N. Jacob
MEMBER, State Board for
Professional Medical Conduct

Date: 6/28/89

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

JOSEPH AMENT, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date:

June 27, 1989

David Axelrod

DAVID AXELROD, M.D.
Commissioner of Health

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

IN THE MATTER : NOTICE OF
OF : VIOLATIONS
JOSEPH AMENT, M.D. : COMMITTEE
: PROCEEDING

TO: JOSEPH AMENT, M.D.
1045 Park Avenue
New York, New York 10128
-and-
1088 Park Avenue
New York, New York 10128

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health, Law Section 230(10)(m)(iii) (McKinney Supp. 1989) and N.Y. Admin. Proc. Act, Sections 3301-307 (McKinney 1984 and Supp. 1989). This hearing will be conducted before a violations committee of the State Board for Professional Medical Conduct, Such hearing will be conducted on day of , 1989 at 10:00 at 8 East 40th Street, 3rd Floor, New York, New York 10016 and at such other adjourned dates, times and places as the Committee may direct. At the hearing of the violations committee, the attached Statement of Charges will be considered.

At the hearing evidence will be received concerning the allegations set forth in the Statement of Charges, which is

EXHIBIT "A"

attached. A stenographic record of the proceeding will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your own behalf, to have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Inasmuch as scheduled dates for hearings are considered dates certain, requests for adjournments are not routinely granted. Please note that requests for adjournments must be made in writing to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 24th Floor, Albany, New York 12237-0026 and by telephone (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

The violations committee may issue a censure and reprimand, may require you to perform up to twenty-five hours of public service in a facility licensed pursuant to Article 28 of the Public Health Law in a manner and at a time and place directed by the Board, and, in addition or in the alternative,

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

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IN THE MATTER : STATEMENT
OF : OF
JOSEPH AMENT, M.D. : CHARGES

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JOSEPH AMENT, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1980 by the issuance of license number 142439 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at 1045 Park Avenue, New York, New York 10128.

FACTUAL ALLEGATIONS

A. On or about January 23, 1988, Respondent oncologist examined Patient A (whose name and all other names appear in the attached Appendix) at Cabrini Medical Center, New York, New York ("CMC"), and on that date, he entered a progress note in the patient's medical chart, dated January 23, 1988, and he knowingly and willfully entered an additional progress note in the chart, which note was pre-dated January 24, 1988.

B. On or about January 23, 1988, Respondent oncologist examined Patient B at CMC and on that date, he entered a progress note in the patient's medical chart, dated January 23, 1988, and he knowingly and willfully entered an additional progress note in the chart, which note was pre-dated January 24, 1988.

C. On or about January 23, 1988, Respondent oncologist examined Patient C at CMC and on that date, he entered a progress note in the patient's medical chart, dated January 23, 1988, and he knowingly and willfully entered an additional progress note in the chart, which note was pre-dated January 24, 1988.

SPECIFICATION OF CHARGES

FIRST THROUGH THIRD SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

The Respondent is charged with practicing the profession of medicine fraudulently under N.Y. Educ. Law, Section 6509(2) (McKinney 1985) in that, the Petitioner charges:

1. The facts in paragraph A.
2. The facts in paragraph B.
3. The facts in paragraph C.

FOURTH THROUGH SIXTH SPECIFICATION

WILLFULLY MAKING AND FILING A FALSE REPORT

The Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law, Section 6509(9) (McKinney 1985) and his conduct in the practice of his profession evidences unprofessional conduct within the meaning of a N.Y.C.R.R. 29.1(b)(6)(1984) by willfully making and filing a false report, in that, the Petitioner charges:

4. The facts in paragraph A.
5. The facts in paragraph B.
6. The facts in paragraph C.

SEVENTH THROUGH NINTH SPECIFICATION

FAILING TO MAINTAIN ACCURATE PATIENT RECORDS

The Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law, Section 6509(9) (McKinney 1985) and his conduct in the practice of his profession evidences unprofessional conduct within the meaning of a N.Y.C.R.R. 29.2(a)(3)(1984) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that the Petitioner charges:

7. The facts in paragraph A.

8. The facts in paragraph B.
9. The facts in paragraph C.

DATED: Albany, New York

KATHLEEN M. TANNER
Director
Office of Professional Medical
Conduct