



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.
Commissioner
NYS Department of Health
James W. Clyne, Jr.
Executive Deputy Commissioner
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

January 25, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph Diehl Beasley, M.D.

Redacted Address

Re: License No. 144938

Dear Dr. Beasley:

Enclosed is a copy of Modification BPMC #99-182 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 1, 2010.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Redacted Signature

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

Enclosure

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

IN THE MATTER
OF
JOSEPH DIEHL BEASLEY, M.D.

MODIFICATION
ORDER
BPMC No. 99-182

Upon the proposed Application for a Modification Order of **JOSEPH DIEHL BEASLEY, M.D.**, (Respondent), that is made a part of this Modification Order, it is agreed and

ORDERED, that the attached Application and its terms are adopted and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either by mailing, by first class mail, a copy of the Modification Order to Respondent at the address in the attached Application or by certified mail to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1-22-2010

Redacted Signature

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

IN THE MATTER
OF
JOSEPH DIEHL BEASLEY, M.D.

APPLICATION FOR
MODIFICATION ORDER

JOSEPH DIEHL BEASLEY, M.D., (Respondent) being duly sworn deposes and says:

That on or about January 16, 1981, I was licensed to practice as a physician in the State of New York, having been issued license number 144938 by the New York State Education Department.

My current address is Redacted Address

I am currently subject to Consent Agreement and Order BPMC #99-182, (hereinafter "Original Order"), annexed hereto, made a part, hereof, and marked as Exhibit 1, that was issued on July 22, 1999.

I have not practiced medicine in New York state in many years, and I do not intend to return to practice medicine in New York state, as I have retired from the practice of medicine.

I apply, hereby, therefore, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the paragraphs in the Original Order that state:

"An indefinite period of probation, with terms and conditions as set forth in Exhibit 'B'"

"That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue so long while the licensee possesses his license; and"

substituting for the former paragraph:

" Respondent shall never practice medicine in New York state as a physician, activate his registration to practice medicine as a physician in New York state or seek to reapply for a license to practice medicine as a physician in New York state."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance of the Board of this Application, I knowingly waive the right to contest the Original Order or the Modification Order for which I apply, both administratively and judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion to either enter into the proposed Agreement and Modification 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.

AFFIRMED:

DATED:

10-16-09

Redacted Signature

JOSEPH DIEHL BEASLEY, M.D.
Respondent

The undersigned agree to the attached Application of Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 13 January 2010

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: Jan 21, 2010

Redacted Signature

for KEITH W. SERVIS
Director
Office of Professional Medical Conduct



EXHIBIT 1

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.
Commissioner
NYS Department of Health
Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 28, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph Diehl Beasley, M.D.

Redacted Address

RE: License No. 144938

Dear Dr. Beasley:

Enclosed please find Order #BPMC 99-182 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 28, 1999**.

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,

Redacted Signature

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Alan Lambert, Esq.
Lifshutz, Polland & Associates, P.C.
675 Third Avenue
New York, NY 10017

Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
JOSEPH DIEHL BEASLEY, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #99-182

STATE OF NEW YORK)
COUNTY OF) so.:

JOSEPH DIEHL BEASLEY, M.D., (Respondent) being duly sworn,
deposes and says:

That on or about November 16, 1981, I was licensed to practice as a
physician in the State of New York, having been issued License No. 144938 by
the New York State Education Department.

My current address is Redacted Address, and I
will advise the Director of the Office of Professional Medical Conduct of any
change of my address.

I understand that the New York State Board for Professional Medical
Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof,
and marked as Exhibit "A".

I do not contest the First and Second Specifications of the Statement of
Charges, in full satisfaction of the charges against me. I hereby agree to the
following penalty:

An indefinite period of probation, with terms and conditions as
set forth in Exhibit "B".

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this Agreement and Order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this Agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the

merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

Redacted Signature

DATE: 6-24 99

~~JOSEPH DIEHL BEASLEY, M.D.~~
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 7/1/99

Redacted Signature

ALAN LAMBERT, ESQ.
Attorney for Respondent

DATE: July 13, 1999

Redacted Signature

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 7/21/99

Redacted Signature

ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
JOSEPH DIEHL BEASLEY, M.D.

CONSENT
ORDER

Upon the proposed Agreement of JOSEPH DIEHL BEASLEY, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is
agreed to and

ORDERED, that the application and the provisions thereof are hereby
adopted and so ORDERED, and 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 of the Consent
Order to Respondent at the address set forth in this Agreement or to
Respondent's attorney by certified mail, or upon transmission via facsimile to
Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7/22/99

Redacted Signature

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

EXHIBIT "A"

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

**IN THE MATTER
OF
JOSEPH DIEHL BEASLEY, M.D.**

STATEMENT
OF
CHARGES

JOSEPH DIEHL BEASLEY, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 16, 1981, by the issuance of license number 144938 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided care and treatment to Patient A, a 61 year old man, beginning in or about April 1995, for depression and compulsive overeating.
1. Respondent ordered laboratory tests inappropriately and/or ordered excessive tests for Patient A.
 2. Respondent prescribed supplements and/or administered intravenous infusions inappropriately to Patient A.
 3. Respondent failed to maintain a record that accurately reflects his care and treatment of Patient A.
- B. Respondent provided care and treatment through Workman's Compensation to Patient B, a 69 year old woman, beginning in or about February, 1995, for a rash and conjunctivitis.
1. Respondent ordered laboratory tests inappropriately and/or ordered excessive tests for Patient B, and/or failed to provide appropriate follow up for Patient B after receiving abnormal

laboratory test results.

2. Respondent failed to maintain a record that accurately reflects his care and treatment of Patient B.
- C. Respondent provided care and treatment to Patient C, a 50 year old woman, beginning in or about November 1994, for severe obesity and/or eating disorder, chronic joint pain and hypothyroidism.
1. Respondent ordered laboratory tests for Patient C inappropriately.
 2. Respondent prescribed supplements to Patient C inappropriately.
 3. Respondent failed to maintain a record that accurately reflects his care and treatment of Patient C.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

EXCESSIVE TESTING

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1999) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

1. A and A.1 and/or A.2, B and B.1, and/or C and C.1. and/or C.2

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1999) 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:

2. A and A.3, B and B.2 and/or C and C.3.

DATED: June 1999
New York, New York

Redacted Signature

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
5. Respondent shall practice medicine involving patient care only in supervised settings at locations subject to the prior written approval of the Director of OPMC. The Director shall exercise reasonable but otherwise unfettered discretion in approval of practice locations. During such practice, the following additional terms shall apply:
 - a. Respondent shall practice medicine only when supervised in his medical practice by a licensed physician, board certified in an appropriate specialty, ("practice supervisor") proposed by Respondent and subject to the prior written approval of the Director of OPMC. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. The practice supervisor shall be proposed by Respondent and subject to the written approval of the Director. The practice supervisor shall not be a family member or personal friend, or be in a professional relationship which could pose a conflict with supervision responsibilities.

- b. Respondent shall ensure that the practice supervisor is familiar with the Order and terms of probation, and willing to report to OPMC. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
 - c. Respondent shall authorize the practice supervisor to have access to his patient records, and to submit quarterly written reports to the Director of OPMC regarding Respondent's practice. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, general demeanor, time and attendance, the supervisor's assessment of patient records selected for review and other such on-duty conduct as the supervisor deems appropriate to report.
 - d. Respondent shall be solely responsible for all expenses associated with practice supervision, including fees, if any, to the supervising physician.
 - e. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
 - f. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
6. Every year for the first three years of practice under this Agreement, Respondent shall enroll in and successfully complete a minimum of 25 credit hours of Continuing Medical Education in the areas of nutrition and diet counseling, medical ethics, internal medicine, and medical recordkeeping. Said continuing education program shall be proposed by Respondent and subject to the prior written approval of the Director of OPMC.
 7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.