



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
Wendy E. Saunders
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

July 16, 2009

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ovid Knight, M.D.

Redacted Address

Re: License No. 087830

Dear Dr. Knight:

Enclosed is a copy of BPMC #09-134 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 23, 2009.

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,

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

Enclosure

cc: Joseph V. McCarthy, Esq.
Roach, Brown, McCarthy and Gruber, PC
1920 Liberty Building
424 Main Street
Buffalo, New York 14202-2535

IN THE MATTER
OF
OVID KNIGHT, M.D.

CONSENT
ORDER

09-134

Upon the application of (Respondent) OVID KNIGHT, 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 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: 7/15/09

Redacted Signature

KENDRICK A. SEARS, M.D.

Chair

State Board for Professional Medical Conduct

IN THE MATTER
OF
OVID KNIGHT, M.D.

CONSENT
AGREEMENT
AND
ORDER

OVID KNIGHT, M.D., represents that all of the following statements are true:

That on or about July 6, 1962, I was licensed to practice as a physician in the State of New York, and issued License No. 087830 by the New York State Education Department.

My current address is Redacted Address 7, 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 has charged me with eighteen 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 plead no contest to the specifications, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine shall be limited, pursuant to N.Y. Pub. Health Law § 230-a, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition, except that I shall be permitted to perform duties as a coroner's physician, which includes, and is limited to, reviewing paperwork, photographs, case histories, medical records and reports, and other relevant documentation, confirming or disagreeing with coroners' findings and

determinations as to the causes of death of the deceased, and issuing certificates of death, when appropriate. I shall be precluded from performing autopsies, or otherwise investigating the cause of death of deceased in cases in which the coroner is unable to determine the same, or in cases of suspected or known foul play. I shall also be precluded from further reliance upon my license to practice medicine to exempt me from the licensure, certification or other requirements set forth in statute or regulation for the practice of any other profession licensed, regulated or certified by the Board of Regents, Department of Education, Department of Health or the Department of State.

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

- That Respondent shall, within 30 days of the issuance of the Consent Order, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days of having done so; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the Order's effective date. Further, within 30 days of returning these prescriptions and surrendering the registration, Respondent shall provide documentary proof of these transaction(s) to the Director of OPMC; and
- That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this 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 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; and
- That Respondent shall comply with all conditions set forth in attached Exhibit "B" ("Guidelines for Closing a Medical Practice").

I stipulate that my failure to comply with any conditions of this Order shall

constitute misconduct as defined in 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 the Public 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 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 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 Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct 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 ask that

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

ROACH BROWN MCCARTHY & GRUBER, P.C.

DATE: 6-30-09

By: Redacted Signature
JOSEPH V. MCCARTHY, ESQ.
Attorney for Respondent

DATE: 7/2/09

Redacted Signature
JEFFREY J. CONKLIN, ESQ.
Associate Attorney
Bureau of Professional Medical Conduct

DATE: 7/14/09

Redacted Signature
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
OVID KNIGHT, M.D.

STATEMENT
OF
CHARGES

OVID KNIGHT, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 6, 1962, by the issuance of license number 087830 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A (hereinafter identified in the attached Appendix A) a 14 year old male, at his office, located in Franklinville, New York, from the date of said Patient's birth through on or about December, 2007. Respondent's care and treatment of Patient A failed to meet accepted standards of care in that:
1. Respondent failed to administer diphtheria, pertussis and tetanus vaccination boosters to Patient A, and/or failed to appropriately document such vaccinations;
 2. Respondent failed to administer 5 year measles, mumps and rubella vaccination boosters to Patient A, and/or failed to appropriately document such vaccinations; and
 3. Respondent failed to administer a third hepatitis B vaccination to Patient A, and/or failed to appropriately document such vaccination.

- B. Respondent provided primary care to Patient B (hereinafter identified in the attached Appendix A), a 53 year old female, at his office from April 5, 1978, through the present. Respondent's care and treatment of Patient B failed to meet accepted standards of care in that:
1. Respondent failed to perform indicated breast examinations of Patient B, and/or failed to appropriately document such examinations;
 2. Respondent failed to perform indicated Papanicolaou (PAP) smears of Patient B, and/or failed to appropriately document such pap tests and;
 3. Respondent failed to perform indicated mammograms of Patient B, and/or failed to appropriately document such diagnostic tests.
- C. Respondent provided primary care to Patient C (hereinafter identified in the attached Appendix A), a 60 year old male, at his office from July 23, 1979, through on or about December 2007. Respondent's care and treatment of Patient C failed to meet accepted standards of care in that:
1. Respondent failed to timely discuss vascular risk factors, including smoking, with Patient C, although said Patient had underwent aortofemoral bypass surgery at the age of 40, and/or Respondent failed to appropriately document such discussions;
 2. Respondent failed to perform indicated rectal examinations of Patient C, and/or failed to appropriately document such examinations; and
 3. Respondent failed to perform indicated prostate examinations of Patient C, and/or failed to appropriately document such examinations.

SPECIFICATIONS OF CHARGES

FIRST THROUGH NINTH SPECIFICATIONS

(Negligence on more than one occasion)

Respondent is charged with committing misconduct as defined in New York Education Law Section 6230(3) by practicing medicine with negligence on more than one occasion as set forth in two or more of the following:

1. The facts of A and A1, A and A2, and A and A3; B and B1, B and B2, and B and B3; and C and C1, C and C2, and C and C3.

TENTH THROUGH EIGHTEENTH SPECIFICATIONS

(Failure to maintain records)

Respondent is charged with committing misconduct as defined in New York Education Law Section 6230(3) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as set forth in the following:

2. The facts of A and A1, A and A2, and A and A3; B and B1, B and B2, and B and B3; and C and C1, C and C2, and C and C3.

DATE: July 9, 2009
Albany, New York

Redacted Signature

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

EXHIBIT "B"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Consent Order. Respondent shall not represent that Respondent is eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Consent Order's effective date, Respondent shall notify all patients that Respondent has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and, for minors, at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
4. Within 15 days of the Consent Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender Respondent's DEA controlled substance certificate, privileges, and any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
5. Within 15 days of the Consent Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

6. Within 15 days of the Consent Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
7. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services (other than for Respondent's duties as a coroner's physician, set forth at pages "1" and "2" of the Consent Agreement herein) rendered (by Respondent or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Consent Order's effective date.
8. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Consent Order, Respondent shall, within 90 days of the Order's effective date, divest all Respondent's financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Consent Order's effective date.
9. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four years, under N.Y. Educ. Law § 6512. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.