



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

October 30, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Frank Bongiorno, M.D.
1755 David Court
Ann Harbor, Michigan 48105

RE: License No. 116835

Dear Dr. Bongiorno:

Enclosed please find Order #BPMC 97-257 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

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: Kimberly A. O'Brien, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
FRANK P. BONGIORNO, M.D. : BMC # 97-257

-----X

FRANK P. BONGIORNO, M.D., says:

On or about July 19, 1973, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 116835 by the New York State Education Department.

My current address is 1755 David Court, Ann Harbor, Michigan 48105 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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 I have been charged with five specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

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 allegations and five 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 State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

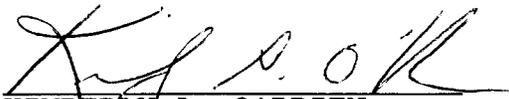

FRANK P. BONGIORNO, M.D.
Respondent

Subscribed before me this
6TH day of OCTOBER, 1997


NOTARY PUBLIC
CYNTHIA A. CRAANEN
Notary Public, Wayne County, MI
My Commission Expires Apr. 29, 2000
Acting in Oakland County, MI

AGREED TO:

Date: Oct 7, 1997


KIMBERLY A. O'BRIEN
Senior Attorney
Bureau of Professional
Medical Conduct

Date: October 15, 1997


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of Frank P. Bongiorno, M.D., 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 Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: 10/19/97

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
FRANK P. BONGIORNO : CHARGES

-----X

FRANK P. BONGIORNO, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 19, 1973 by the issuance of license number 116835 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. By Order dated July 14, 1994, the State Medical Board of Ohio concluded that Respondent had violated the law of Ohio by answering "No" to the question on the license application, which asked whether Respondent had "any clinical privileges suspended, limited or revoked for reasons other than failure to maintain records or attend staff meeting?" Respondent's privileges had been suspended for failing to inform one hospital that he was under investigation at another hospital. Respondent was REPRIMANDED.

2. The conduct of which Respondent was found guilty in Ohio would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely within the meaning of New York Education Law §6530(2) (McKinney Supp. 1997) (fraudulent practice) and within the meaning of New York Education Law §6530(20) (McKinney Supp. 1997) (moral unfitness) and within the meaning of New York Education Law §6530(21) (McKinney Supp. 1997) (willfully filing a false report).

3. By FINAL DECISION filed July 12, 1996, The Composite State Board of Medical Examiners State of Georgia issued findings that Respondent had violated the law of Georgia by ordering, purchasing, receiving and providing (without legitimate medical purpose) to a patient "large quantities of anabolic androgenic steroids." Respondent's license was Revoked.

4. The conduct of which Respondent was found guilty in Georgia would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely within the meaning of New York Education Law §6530(2) (McKinney Supp. 1997) (fraudulent practice) and within the meaning of New York Education Law §6530(3) (McKinney Supp. 1997) (practicing the profession with negligence on more than one occasion) and within the meaning of New York Education Law §6530(16) (McKinney Supp. 1997) (willful or grossly negligent failure to comply with substantial provisions of state laws, rules or regulations governing the practice of medicine) and within the meaning of New York Education Law §6530(21) (McKinney Supp. 1997) (willfully filing a false report).

5. By AMENDED JUDGEMENT IN A CRIMINAL CASE dated May 16, 1997, The United States District Court, District of Massachusetts affirmed the criminal conviction of Respondent for violating 18 U.S.C. §228, failing to pay past due child support. Respondent was required to pay at least \$220,000 in unpaid child support and remain in the custody of Bureau of Prisons or in a community corrections facility during nights, weekends and or other designated times for one year, and placed on probation for a term of 5 years.

6. The conduct of which Respondent was found guilty by the United States District Court, District of Massachusetts, if committed in New York State, constitutes professional misconduct under the laws of New York State, namely within the meaning of New York Education Law §6530(20) (McKinney Supp. 1997) (moral unfitness).

SPECIFICATIONS OF MISCONDUCT

FIRST & SECOND SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9) (b) (McKinney Supp. 1997) in that he was found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws

of New York State, in that Petitioner charges:

1. The facts of paragraphs 1 and/or 2.
2. The facts of paragraphs 3 and/or 4.

THIRD & FOURTH SPECIFICATIONS

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1997) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

3. The facts of paragraphs 1 and/or 2.
4. The facts of paragraphs 3 and/or 4.

FIFTH SPECIFICATION

BEING CONVICTED OF COMMITTING AN ACT CONSTITUTING
A CRIME UNDER FEDERAL LAW

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(a)(ii) (McKinney Supp. 1997) in that he was convicted of a crime in federal court, where the conduct resulting in the conviction would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

5. The facts of paragraphs 5 and/or 6.

DATED: *September 12*, 1997
Albany, New York

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