



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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NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

July 16, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Walter McClendon, M.D.
5320 San Mateo Blvd.
E. 59
Albuquerque, New Mexico 87109

Re: License No. Resident

Dear Dr. McClendon:

Enclosed please find Order #BPMC 04-159 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 23, 2004.

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 the 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

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

IN THE MATTER
OF
WALTER MCCLENDON, M.D.

CONSENT
ORDER
BPMC No. 04-159

Upon the proposed agreement of WALTER MCCLENDON, M.D.
(Respondent) for a Consent Order, in the attached application, which is a part of
this Order, it is agreed to and

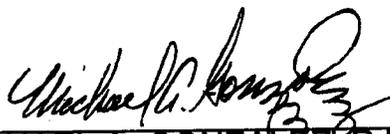
ORDERED, that the application and its provisions are hereby adopted and
so ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board,
either:

- by mailing of a copy of the Consent Order to Respondent at the designated
address by first class mail, 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: 7-16-04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical
Conduct

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

That I shall not engage in any practice of medicine in the State of New York, whether as a licensee, resident, holder of a permit, or exempt person, beginning upon the effective date of the Consent Order; and

That I shall fully cooperate with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters concerning me. I shall respond in a timely manner to every OPMC request for written periodic verification of my compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC, as directed. I shall respond promptly and provide all documents and information within my control, as directed by OPMC. This condition shall take effect upon the effective date of the Consent Order and will continue indefinitely.

I stipulate that my failure to comply with these conditions shall constitute misconduct as defined by New York State Education Law §6530(29) (McKinney Supp 2004).

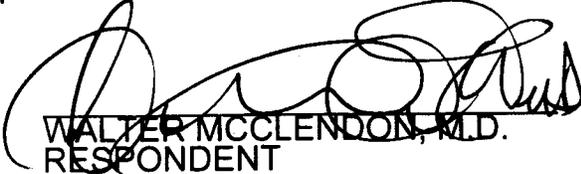
I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

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

I understand that, if the Board declines to grant this Application, nothing in this agreement shall bind me or shall be construed as an admission of any act of alleged misconduct, this 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 the Board's denial 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, if the Board grants this Application, an Order of the Chair of the Board shall be issued in accordance with its terms. I agree that this Order shall take effect upon issuance by the Board, either by mailing, by first class mail, of 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 make this Application of my own free will not under duress, compulsion or restraint of any kind. In consideration of the value to me of the Board's acceptance of this Application, allowing me to resolve this matter without the 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, and ask the Board to grant this Application.


WALTER MCCLENDON, M.D.
RESPONDENT

The undersigned agree to Respondent's attached application and to the proposed penalty based on its terms and conditions.

DATE: _____

Attorney for Respondent ESQ.
(If applicable)

DATE: July 6, 2004


FRANCIS D. RUDDY
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 7/14/04


DENNIS GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
WALTER MCCLENDON, M.D.**

**STATEMENT
OF
CHARGES**

WALTER MCCLENDON, M.D., the Respondent, was a "licensee", as that term is defined in N.Y. Public Health Law 230(7), during periods in or about and between April 2001- May 2002, and at all times relevant to the allegations below. He does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 18, 2001, Respondent filed a residency application with SUNY Downstate Medical Center in which he knowingly, with an intent to mislead, answered "no" to the question, "Has there ever been any action taken against you for professional misconduct or malpractice or has any disciplinary action been taken concerning your professional performance?" when he knew that answer was false in light of the 1998 revocation of Respondent's medical license in Louisiana and his 1997 court martial by the Department of the Army.

SPECIFICATION OF CHARGES

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A.

DATED:

~~May~~ ^{July 6}, 2004
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical
Conduct