

Public

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

IN THE MATTER

OF

JOHN Q. DURFEY, M.D.
CO-06-12-7156-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: JOHN Q. DURFEY, M.D.
Inmate No. 04468-061
FCI Tallahassee
Federal Correctional Institution
501 Capital Circle, NE
Tallahassee, FL 32301

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **JOHN Q. DURFEY, M.D.**, Respondent, licensed to practice medicine in the State of New York on March 7, 1963, by license numbers 090111, has been convicted of committing an act constituting a felony under federal law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **JOHN Q. DURFEY, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 19th day of December 2007, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

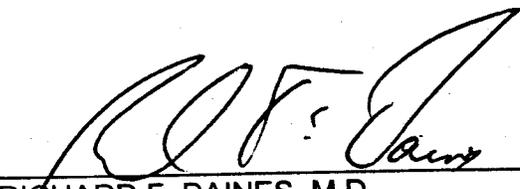
The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK
STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE
FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN
NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

11/20/2007



RICHARD F. DAINES, M.D.
Commissioner of Health

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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OF
JOHN Q. DURFEY, M.D.
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STATEMENT
OF
CHARGES

JOHN Q. DURFEY, M.D., Respondent, was authorized to practice medicine in New York state on March 7, 1963, by the issuance of license number 090111 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 30, 2007, in the United State District Court, Northern District of Florida, Panama City Division, Respondent was found guilty, based on a plea of guilty, of six (6) counts of Principal to Health Care Fraud, in violation of 18 U.S.C. §§1347 and 2, one (1) count of Principal to Unlawfully Dispensing a Quantity of Oxycodone, Methadone, and Diazepam, in violation of 21 U.S.C. §§841(a)(1), (b)(1)(C), and (b)(1)(D) and 18 U.S.C. §2, one (1) count of Principal to Unlawfully Dispensing a Quantity of Fentanyl, in violation of 21 U.S.C. §§841(a)(1), and (b)(1)(C) and 18 U.S.C. §2, one (1) count of Principal to Unlawfully Dispensing a Quantity of Fentanyl, Methadone, and Diazepam, in violation of 21 U.S.C. §§841(a)(1), (b)(1)(C), and (b)(1)(D) and 18 U.S.C. §2, one (1) count of Principal to Unlawfully Dispensing a Quantity of Oxycodone, Morphine, Fentanyl, and Methadone, in violation of 21 U.S.C. §§841(a)(1), (b)(1)(C), and (b)(1)(D) and 18 U.S.C. §2, one (1) count of Principal to Unlawfully Dispensing a Quantity of Oxycodone, in violation of 21 U.S.C. §§841(a)(1) and (b)(1)(C) and 18 U.S.C. §2, and one (1) count of Principal to Unlawfully Dispensing a Quantity of Oxycodone, Morphine and Hydrocodone, in violation of 21 U.S.C. §§841(a)(1), (b)(1)(C), and (b)(1)(D) and 18 U.S.C. §2, all felonies, and on or about August 30, 2007, was sentenced, inter alia, to one hundred twenty (120) months imprisonment as to six (6) of the counts and two hundred forty (240) months imprisonment as to six (6) of the counts, to be served concurrently, three (3) years supervised release upon release from confinement, to pay a \$1,200.00 Special Monetary Assessment and \$466,723.03 restitution, and to forfeit Real Property Located at 2324 Madison

Road, Unit #1104, Cincinnati, Ohio 45208, With all Improvements and Appurtenances Thereon, and more particularly described in Exhibit A, proceeds in the amount of \$593.11 seized from account known as Dianne Spencer Irrevocable Trust, maintained by Sterne, Agree and Leach, Inc., at Wachovia Bank, Birmingham, Alabama, and proceeds in the amount of \$18,143.68 seized from account number 7021644450 in Fifth Third Bank, Cincinnati, Ohio.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *Nov. 19*, 2007
Albany, New York


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