



New York State Board for Professional Medical Conduct

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

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

November 19, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Donald McCord, M.D.
3311 Hylan Boulevard
Staten Island, NY 10310

RE: License No.: 164721

Dear Dr. McCord:

Enclosed please find Order #BPMC 99-284 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 19, 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,

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

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: John M. D'Amato, Esq.
Russo, Scamardella and D'Amato
1010 Forest Avenue
Staten Island, NY 10310

Daniel Guenzburger, Esq.

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

IN THE MATTER
OF
DONALD MCCORD, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-284

STATE OF NEW YORK)
COUNTY OF RICHMOND) ss.:

DONALD MCCORD, M.D., (Respondent) being duly sworn, deposes and says:

That on or about November 12, 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 164721 by the New York State Education Department.

My current address is 3311 Hylan Boulevard, Staten Island, New York.

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 agree not to contest the allegations in the second specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and reprimand.

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.

DATED 11/8/99

mm E. C. d. m.
DONALD MCCORD, M.D.
RESPONDENT

Sworn to before me
on this 8th day of
Nov. 1999

Annemarie Dorsey
NOTARY

ANNEMARIE DORSEY
Notary Public, State of New York
No. 3-4966327
Qualified in Richmond County
Commission Expires May 7, 2000

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

DATE: 11/8/99



JOHN M. D'AMATO, ESQ.
Russo, Scamardella and D'Amato
Attorney for Respondent

DATE: 11/10/99



DANIEL GUENZBURGER
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 11/15/99



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
DONALD MCCORD, M.D.

CONSENT
ORDER

Upon the proposed agreement of DONALD MCCORD, 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: 11/16/94


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
DONALD MCCORD, M.D.

STATEMENT
OF
CHARGES

DONALD MCCORD, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 12, 1985, by the issuance of license number 066-50-7130 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 11, 1995, the New York City Department of Health ("NYCDOH") informed Brij J. Mittal, M.D. that his Radioactive Materials License had been rescinded because he had failed to satisfy the training and experience requirements for an "authorized user". Dr. Mittal was informed that unless he submitted proof that he had the proper credentials within three days of the notice of rescission of his license, the rescission would constitute a final agency action. On or about December 13, 1995, the Respondent provided Dr. Mittal with a letter in which Respondent represented that between in or about January, 1995, and through July, 1995, Dr. Mittal performed a preceptorship in the use of radiopharmaceuticals for diagnostic imaging studies at Staten Island University Hospital/Seaview Radiology. Respondent stated in the letter that Dr. Mittal acquired experience in health physics, radiopharmaceutical preparation and administrative procedures of the facility and that he participated in a large number of procedures which used radioactive material. Dr. Mittal submitted Respondent's letter to the NYCDOH on December 14, 1995. Respondent:

1. Knowingly and falsely represented in the letter that Dr. Mittal had performed a preceptorship, when, in fact, he knew that he had not performed a preceptorship. Respondent intended to mislead.
2. Willfully filed a false report.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1999) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A and A1.

SECOND SPECIFICATION

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1999) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or inducing another person to do so, as alleged in the facts of:

2. Paragraph A and A2.

DATED: October 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct