



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

August 5, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ioliene B. Boenau, M.D.
809 Valley Road
Wayne, NJ 07470

Re: License No. 182708

Dear Dr. Boenau:

Enclosed please find Order #BPMC 97-193 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
433 River Street - Suite 303
Troy, New York 12180-2299

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosures

cc: Barry Gold, Esq.
Thuillez, Gold, Ford & Johnson
90 State Street
Albany, NY 12207

Frederick Zimmer, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
IOLIENE B. BOENAU, M.D. : AND ORDER
: BPMC # 97-193

-----X

IOLIENE B. BOENAU, M.D., says:

On or about July 2, 1990, I was licensed to practice as a physician in the State of New York, having been issued license number 182708 by the New York State Education Department.

My current address is 809 Valley Road, Wayne, New Jersey 07470, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

I admit guilt to the Ninth Specification in so far as it applies to Factual Allegations A.2, A.3 and B.2 of the Statement of Charges.

I hereby agree to the penalty that I be censured and reprimanded.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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

Solene Beth Boenau MD
TOLIENE B. BOENAU, M.D.
RESPONDENT

Subscribed before me this

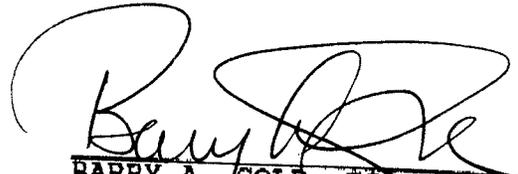
22ND day of *July*, 1997.

Lorraine Kamerling
~~NOTARY PUBLIC~~

LORRAINE KAMERLING
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires August 30, 2001

AGREED TO:

DATE: July 24, 1997


BARRY A. GOLD, ESO
Attorney for Respondent

DATE: July 25, 1997


FREDERICK ZIMMER
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: July 29, 1997


ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of IOLIENE B. BOENAU, M.D. (Respondent) for Consent Order, 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; and 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 by certified mail, whichever is earliest.

DATED:

August 1, 1997


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
 IOLIENE B. BOENAU, M.D. : CHARGES
 -----X

IOLIENE B. BOENAU, M.D., the Respondent, was authorized to practice medicine in New York State on July 2, 1990 by the issuance of license number 182708 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, on or about November 26, 1994, provided medical care to Patient A (all patients are identified in the attached Appendix). Patient A presented to the Nathan Littauer Hospital Emergency Department at approximately 1:15 a.m. with a complaint of chest pain. Patient A had been discharged from the Emergency Department the previous day when she had presented with a complaint of pounding in the chest. Respondent's care of Patient A failed to meet acceptable standards of medical care, in that;

1. Respondent failed to adequately follow up on Patient A's complaint of chest pain.
2. Respondent failed to adequately consider and/or follow up on Patient A's ambulance report.

EXHIBIT A

3. Respondent failed to order an EKG and/or blood work to appropriately assess Patient A's complaint of chest pain.
4. Respondent failed to adequately evaluate and/or consider Patient A's previous visit to the emergency room on November 25, 1994 and/or a resultant EKG which occurred on that date and/or to compare the November 25, 1994 EKG to a previously available EKG.
5. Respondent failed to adequately evaluate a rhythm strip which demonstrated a heart rate of over 170.
6. Respondent failed to make a timely diagnosis that Patient A had suffered a myocardial infarction and as a result failed to render appropriate follow up care.
7. Respondent inappropriately discharged Patient A.

B. Respondent, on or about January 8, 1995, provided medical care to Patient B at the Nathan Littauer Hospital Emergency Room. Patient B presented with back pain and numbness over his entire body following an altercation in a bar. Respondent's care of Patient B failed to meet acceptable standards of medical care, in that;

1. Respondent failed to perform and/or record complete neurological examinations in a timely manner.
2. Respondent failed to cause Patient B to undergo an adequate radiographic evaluation in a timely manner.
3. Respondent failed to obtain a neurologic consultation in a timely manner.
4. Respondent failed to adequately evaluate Patient B prior to his discharge.
5. Respondent inappropriately discharged Patient B.

SPECIFICATIONS**FIRST THROUGH FOURTH SPECIFICATIONS****GROSS NEGLIGENCE**

Respondent is charged with professional misconduct under N.Y. Education Law §6530(4) (McKinney Supp. 1997) by reason of her having practiced the profession with gross negligence on a particular occasion in that Petitioner charges;

1. The facts in paragraphs A and A.1, A and A.3, A and A.6 and/or A and A.7.
2. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6 and/or A and A.7 cumulatively or in any combination thereof.
3. The facts in paragraphs B and B.2, B and B.4 and/or B and B.5.
4. The facts in paragraphs B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5 cumulatively or in any combination thereof.

FIFTH THROUGH EIGHTH SPECIFICATIONS**GROSS INCOMPETENCE**

Respondent is charged with professional misconduct under N.Y. Education Law §6530(6) (McKinney Supp. 1997) by reason of her having practiced the profession with gross incompetence in that Petitioner charges;

5. The facts in paragraphs A and A.1, A and A.3, A and A.6 and/or A and A.7.
6. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6 and/or A and A.7 cumulatively or in any combination thereof.

7. The facts in paragraphs B and B.2, B and B.4 and/or B and B.5.
8. The facts in paragraphs B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5 cumulatively or in any combination thereof.

NINTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(3) (McKinney Supp. 1997) by reason of her having practiced the profession with negligence on more than one occasion in that Petitioner charges two or more of the following:

9. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5.

TENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(5) (McKinney Supp. 1997) by reason of her having practiced the profession with incompetence on more than one occasion in that Petitioner charges two or more of the following:

10. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, B and B.1, B and B.2, B and B.3, B and B.4 and/or B and B.5.

ELEVENTH SPECIFICATION**FAILING TO MAINTAIN ADEQUATE RECORDS**

Respondent is charged with professional misconduct under N.Y. Education Law §6530(32) (McKinney Supp. 1997) by reason of her having failed to maintain a record for each patient which accurately reflects her evaluation and treatment of the patient in that Petitioner charges:

11. The facts in paragraphs B and B.1.

DATED: *June 11, 1997*
Albany, New York

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