



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

December 10, 1991

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Timothy Scott Komoto, M.D.
5513 13th Avenue South
Minneapolis, Minnesota 55417

Effective Date: 12/13/91

RE: NYS License No. 143058

Dear Dr. Komoto:

Enclosed please find Order #BPMC 91-16 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
TIMOTHY SCOTT KOMOTO, M.D. : BPMC #91-16

-----X

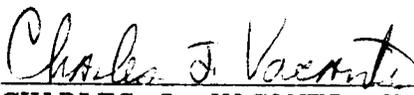
Upon the application of TIMOTHY SCOTT KOMOTO, M.D.,
which application is made a part hereof, it is

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

ORDERED that this order shall take effect as of the date
of the personal service of this order upon the respondent or seven
days after mailing by certified mail.

SO ORDERED,

DATED: 4 December 1991



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER : APPLICATION
OF : FOR
TIMOTHY SCOTT KOMOTO, M.D. : CONSENT
: ORDER

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.:

TIMOTHY SCOTT KOMOTO, M.D., being duly sworn, deposes and says:

That on or about August 1, 1980 I was licensed to practice as a physician in the State of New York, having been issued License No. 143058 by the New York State Education Department.

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 the New York State Board of 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 admit guilt to the first specification of misconduct as charged in the Statement of Charges.

I hereby agree to the penalty that my license to practice medicine be suspended for a period of one year, said suspension to be stayed, and that I be placed on probation for a period of one year subject to the terms enumerated in Exhibit "B".

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.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

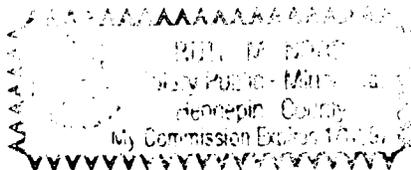
Timothy S. Komoto MD

TIMOTHY SCOTT KOMOTO, M.D.
Respondent

Sworn to before me this
7th day of November, 1991.

Ernest M. Rave

NOTARY PUBLIC

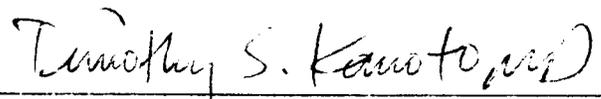


STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER : APPLICATION
OF : FOR
TIMOTHY SCOTT KOMOTO, M.D. : CONSENT
: ORDER

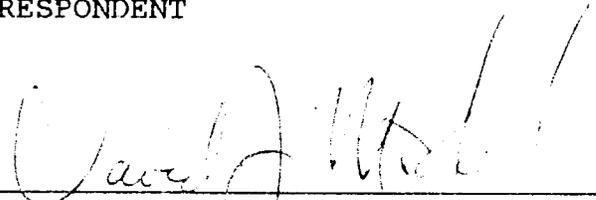
The undersigned agree to the terms and conditions of the attached application and to the proposed penalty.

Date: 11/17/91



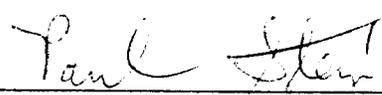
TIMOTHY SCOTT KOMOTO, M.D.
RESPONDENT

Date: 11/17/91



DAVID J. MOSKAL, ESQ.
ATTORNEY FOR RESPONDENT

Date: 11-14-91



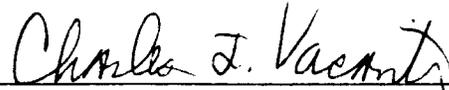
PAUL STEIN, ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Dec. 10, 1991



KATHLEEN M. TANNER
DIRECTOR, OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 4 December 1991



CHARLES J. VACANTI, M.D.
CHAIRPERSON, STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
TIMOTHY SCOTT KOMOTO, M.D. : CHARGES

-----X

TIMOTHY SCOTT KOMOTO, M.D., the Respondent, was authorized to practice medicine in New York State on August 1, 1980 by the issuance of license number 143058 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His most recent registration address was 1401 Hawthorne, Schenectady, New York 12303.

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530 (9)(d), as added by ch. 606, laws of 1991, in that he had his license to practice medicine revoked, suspended or had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

- A. The Minnesota Board of Medical Examiners issued a Stipulation and Order, dated January 20, 1989, based on the treatment of eight patients, finding Respondent guilty of engaging in conduct prohibited by Minnesota Statutes, namely:

Sec. 147.091 subd. 1 (g) (1988). Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety;

Sec. 147.091 subd. 1 (k) (1988). Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice; and

Sec. 147.091 subd. 1 (s) (1988). Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency.

- B. Pursuant to the terms of the Stipulation and Order, Respondent's license to practice medicine and surgery in the State of Minnesota was conditioned and restricted as follows:

(1) Within six months of receipt of the order Respondent shall complete a chemical dependency awareness course and a pain management course;

(2) Respondent shall maintain a daily log of his controlled substance prescriptions, which shall be made available for review by a designated Board member on a quarterly basis;

(3) Respondent shall meet on a quarterly basis with a designated Board member to review

his progress under the terms of the Stipulation and Order;

(4) Respondent shall adhere to the federal requirements contained in 21 CFR sec. 1306.07 (regarding administering or dispensing of narcotic drugs);

(5) Within 30 days of the receipt of this order Respondent shall pay to the Board a civil penalty of \$2000.

C. These acts if committed within New York State, would have constituted professional misconduct under New York State law as follows:

Practicing the profession with incompetence on more than one occasion [N.Y. Educ. Law sec. 6530 (5), as added by ch. 606, laws of 1991]; and/or

Practicing the profession with negligence on more than one occasion [N.Y. Educ. Law sec. 6530 (3), as added by ch. 606, laws of 1991]; and/or

Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient [N.Y. Educ. Law sec. 6530 (35), as added by ch. 606, laws of 1991].

SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law sec. 6530 (9)(b), as added by ch. 606, laws of 1991, in that he was found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed within New York State, constitute

EXHIBIT "B"

TERMS OF PROBATION

1. That Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

5. Respondent shall comply with all terms, conditions, and restrictions to which he is subject pursuant to the order of the Minnesota Board of Medical Examiners and shall authorize the Minnesota Board to provide periodic reports of such compliance to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid;
6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.