



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

October 17, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Andrew L. Nkongho, M.D.
82 Cranford Place
Teaneck, New Jersey 07666

RE: License No. 129655

Dear Dr. Nkongho:

Effective Date: 10/24/96

Enclosed please find Order #BPMC 96-247 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 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: David Smith, Esq.

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

IN THE MATTER
OF
ANDREW L. NKONGHO, M.D.

CONSENT

ORDER

BPMC #96-247

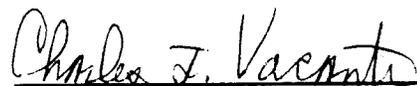
Upon the application of ANDREW L. NKONGHO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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 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.

SO ORDERED.

DATED: 14 October 1996



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

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

IN THE MATTER
OF
ANDREW L. NKONGHO, M.D.

APPLICATION
FOR
CONSENT ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

ANDREW L. NKONGHO, M.D., being duly sworn, deposes and says:

That in or about December, 1976, I was licensed to practice as a physician in the State of New York, having been issued License No. 129655 by the New York State Education Department.

My current address is 82 Cranford Place, Teaneck, New Jersey, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification 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 such specification in full satisfaction of the charges against I hereby agree to the following sanctions:

1. A two-year stayed suspension.
2. A five (5) year probation in accordance with the Exhibit "B", Terms of Probation.

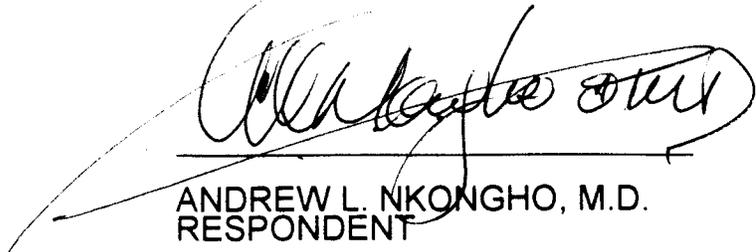
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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 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.


ANDREW L. NKONGHO, M.D.
RESPONDENT

Sworn to before me this
30th day of September, 1996.

Christina Giallombardo
NOTARY PUBLIC

Christina Giallombardo
Notary Public
License # 43-4770336
Commission Expires 1/31/97

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

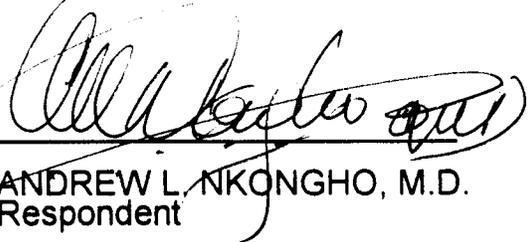
IN THE MATTER
OF
ANDREW L. NKONGH, M.D.

APPLICATION
FOR
CONSENT ORDER

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

DATE:

9/30/96


ANDREW L. NKONGHO, M.D.
Respondent

DATE:

~~_____~~
NATHAN DEMBIN, ESQ.
Attorney for Respondent

DATE:

Sept 9 1996


DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

DATE:

October 12, 1994

Anne Saile

ANNE F. SAILE
Acting Director
Office of Professional Medical
Conduct

DATE:

14 October 1996

Charles J. Vacanti

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

EXHIBIT "A"

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

IN THE MATTER
OF
ANDREW L. NKONGHO, M.D.

STATEMENT
OF
CHARGES

ANDREW L. NKONGHO, M.D., the Respondent, was authorized to practice medicine in New York State in December, 1976, by the issuance of license number 129655 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 16, 1995, Respondent was surgeon-on-call in the Emergency Room at Bailey Seton Hospital, 75 Vanderbilt Avenue, Staten Island, New York.
1. On or about September 16, 1995, Respondent practiced medicine in the Emergency Room of Bailey Seton Hospital while being impaired by alcohol.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WHILE IMPAIRED

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7)(McKinney Supp. 1996) by having practiced the profession while being impaired by alcohol as alleged in the facts of the following:

1. Paragraphs A and A1.

DATED: July , 1996
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"
TERMS OF PROBATION

1. Andrew L. Nkongho, M.D., 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. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, ("Director") New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice; Respondent's residence and telephone number within or without the State of New York; and any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility, within thirty days of each action.

3. Respondent shall submit written proof to the NYSDOH, addressed to the Director, that a) Respondent is currently registered with the New York State Education Department; and b) Respondent has paid any fees or fines which may have previously been imposed upon Respondent by the State Board for Professional Medical Conduct, ("Board") or by the Board of Regents, said proof of the above to be submitted no later than 60 days following the effective date of the Order herein.

4. Respondent shall cooperate with and respond in a timely manner to requests from the Office of Professional Medical Conduct (OPMC) to provide written periodic verification of Respondent's compliance with the terms of this Order. If requested, Respondent shall personally meet with a

member of OPMC staff at the discretion of the Director .

5. Upon request, the Respondent will provide OPMC access to or copies of all patient records, office records, records of administration, dispensing and/or prescribing of controlled substances, records of controlled substance purchases, official New York State triplicate prescription books, and any other records which may be required to be maintained under the Public Health Law.
6. The term of this probation shall be five (5) years. Such period shall be tolled until and unless Respondent engages in the active practice of medicine in the State of New York. Respondent shall notify the OPMC, in writing, if for any reason the Respondent is not currently so engaged or intends to leave the active practice medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the OPMC again prior to any change in that status. The period of probation will resume and any terms of probation which were not fulfilled while Respondent was in New York State must be fulfilled upon return to New York State.
7. Respondent shall remain drug/alcohol free.
8. Respondent shall remain active in self-help groups such as, but not limited to: Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
9. Respondent must notify all his treating physicians of his history of alcohol/chemical dependency. The Respondent must advise OPMC within forty-eight (48) hours of any controlled or mood-altering substance given or prescribed by treating physicians.

10. The Respondent shall be monitored by qualified health care professional monitors ("soberity monitor", "practice supervisor" and "therapist"), each selected by Respondent and approved by the Director. The monitors will not be family members, personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities. Should any of the approved monitors indicate an inability or unwillingness to continue in that role, Respondent shall submit to OPMC the name of a proposed successor within seven (7) days of learning that the approved monitor is no longer willing or able to serve.
11. Respondent shall ensure that the monitors are familiar with Respondent's drug/alcohol dependency and with the terms of this probation. Respondent shall authorize the monitors to report any deviation from compliance with the terms of this probation to OPMC. Failure of the monitors to submit required reports on a timely basis will be considered a violation of Respondent's probation.
12. Respondent shall meet with a soberity monitor on a regular basis who will submit quarterly reports to the OPMC certifying Respondent's compliance with the terms of probation, including an assessment of self-help group attendance, 12 step progress, and results of drug/alcohol monitoring tests performed during each quarter, with copies of any toxicology reports. All tests results must be forensically valid.
13. Respondent shall submit to random, unannounced observed blood and/or urine screens by the soberity monitor to determine the presence of drugs/alcohol and to evaluate whether he has complied with the requirements set forth in Paragraph 19 below that he be maintained on a regimen of Antabuse. This monitoring will be on a random, seven-days a

week, twenty-four hours a day basis. The Respondent shall report for a urine screen within four (4) hours of being contacted by such monitor. The sobriety monitor will report within 24 hours to the OPMC if a test is refused by Respondent or a test result is positive for any unauthorized substance or negative for Antabuse.

14. Respondent shall be supervised in his medical practice, on site at all locations, by a practice supervisor. Respondent may not practice medicine until an approved practice supervisor is in place. Any practice of medicine prior to the approval of a practice supervisor will be a violation of probation.
15. Respondent shall ensure that the practice supervisor regularly observes and assesses Respondent's medical practice. The practice supervisor will report to OPMC within 24 hours of any suspected impairment, inappropriate behavior, questionable medical practice or possibility of misconduct to OPMC.
16. Respondent shall ensure that the practice monitor submit quarterly reports to the OPMC regarding the quality of Respondent's medical practice, including the Respondent's evaluation and treatment of patients, his physical and mental condition, attendance at work including any unexplained absences and Respondent's compliance or failure to comply with any terms of probation.
17. Respondent shall comply with provisions of Article 33 of the Public Health Law. The practice supervisor will review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.

18. Respondent shall comply with any request of his practice supervisor to submit to random, unannounced, supervised tests of blood and/or urine for the presence of drugs or alcohol within four (4) hours of the request. The practice supervisor will report to OPMC within 24 hours if a test is refused by Respondent or a test result is positive for any unauthorized substance.
19. Respondent shall continue in counseling or other therapy with a therapist approved by OPMC for the entire period of probation. Respondent shall further be maintained on a medically appropriate prescribed regimen of Antabuse.
20. Respondent shall ensure that the therapist submit a proposed treatment plan and quarterly reports to OPMC certifying compliance with the treatment plan. The therapist will report to OPMC within 24 hours if Respondent leaves treatment against medical advice or displays any symptoms of a suspected or actual relapse.
21. Respondent shall comply with all terms, conditions, restrictions and penalties to which he is subject pursuant to the Order of the Board and shall assume and bear all costs related to compliance with the terms of this probation.
22. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his profession in accordance with the terms of probation. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director 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.