



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

February 13, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Joel H. Nance, M.D.
1508 SW Topeka Boulevard
Suite 201
Topeka, Kansas 66612

Re: NY License No. 117219

Dear Dr. Nance:

Effective Date: 02/20/96

Enclosed please find Order #BPMC 96-20 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: Ron Heck, Esq.
Heck, Hendrix & Wright, P.A.
4848 SW 21st, Suite 201
Topeka, Kansas 66604-0241

E. Marta Sachey, Esq.

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

-----X

IN THE MATTER :
OF : ORDER
JOEL H. NANCE, M.D. : BPMC #96-20

-----X

Upon the Application of JOEL H. NANCE, M.D., to Surrender his license as a physician in the State of New York, which Application is made a part hereof, it is

ORDERED, that the Application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED: 9 February 1996

Charles J. Vacanti

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
JOEL H. NANCE, M.D. : LICENSE

-----X

STATE OF KANSAS)

ss.:

COUNTY OF SHAWNEE)

JOEL H. NANCE, M.D., being duly sworn, deposes and says:

1. I was licensed to practice medicine as a physician in the State of New York on August 30, 1973 having been issued License No. 117219 by the New York State Education Department. I am not currently registered with the New York State Education Department to practice medicine in New York State.
2. I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".
3. I hereby admit guilt to the one specification of professional misconduct set forth in the Statement of

Charges.

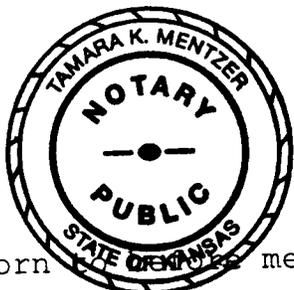
4. I hereby make this Application to the State Board for Professional Medical Conduct and request that it be granted.

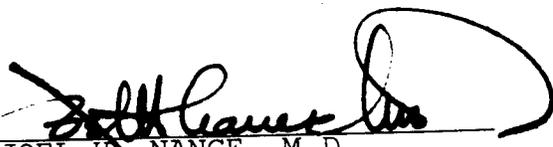
5. I understand that, in the event that the Application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

6. I agree that in the event the State Board for Professional Medical Conduct grants my Application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

7. I am making this Application of my own free will and

accord and not under duress, compulsion, or restraint of any kind or manner.




JOEL H. NANCE, M.D.
Respondent

Sworn ~~to~~ me this
5 day of February, 1994


NOTARY PUBLIC

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

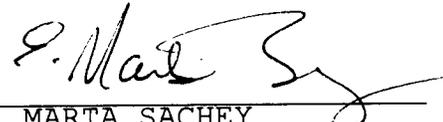
-----X
IN THE MATTER : APPLICATION TO
OF : SURRENDER
JOEL H. NANCE, M.D. : LICENSE
-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 2/5, 1996


JOEL H. NANCE, M.D.
Respondent

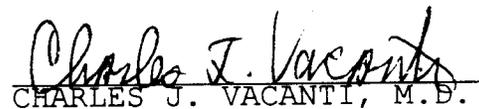
Date: 2-6, 1996


E. MARTA SACHEY
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 2-7, 1996


ANNE F. SAILE
Acting Director, Office of
Professional Medical Conduct

Date: 9 February 1996


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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOEL H. NANCE, M.D. : CHARGES

-----X

JOEL H. NANCE, M.D., the Respondent, was authorized to practice medicine in New York State on August 30, 1973 by the issuance of license number 117219 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

1. The State of Kansas Board of Healing Arts, by Stipulation and Agreement and Enforcement Order dated April 28, 1995, inter alia:
 - Publicly reprimanded Respondent;
 - Required Respondent to continue counselling for at least two years;
 - Required that Respondent's psychiatric practice be monitored for at least two years;
 - Required Respondent to attend a CME program on ethics and the boundaries of the physician-patient relationship each year through and including 1997;

EXHIBIT A

- Required Respondent to provide to all new patients a list of "Patient Rights."
2. The conduct underlying the Kansas Board's imposition of disciplinary action upon Respondent, a psychiatrist, consisted of the commission of an act of sexual abuse, misconduct or exploitation related to the licensee's professional practice in violation of K.S.A. 65-2837(16) and also constituted unprofessional or dishonorable conduct or professional incompetency in violation of K.S.A. 65-2836(b).
 3. The conduct underlying the Kansas Board's imposition of disciplinary action upon Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(44) [in the practice of psychiatry, any physical contact of a sexual nature between the licensee and patient] and/or §6530(31) [willfully harassing, abusing or intimidating a patient physically] and/or §6530(20) [conduct in the practice of medicine which evidences moral unfitness to practice medicine] (McKinney Supp. 1995).

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1995) by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily

or otherwise surrendered his license 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 or refusal, revocation or the surrender of the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges the facts in Paragraphs 1 through 3.

DATED: *December 20, 1995*
Albany, New York

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