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

IN THE MATTER OF

JOHN L. JOSEPH, M.D.

BPMC No. 16-306
SURRENDER ORDER

Upon the application of (Respondent) JOHN L. JOSEPH, M.D. to surrender his or her license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and it is further

ORDERED, that Respondent's name be stricken from the roster of physicians in the State of New York, it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

• by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender of License application or by certified mail to Respondent's attorney, OR

• upon facsimile transmission to Respondent or Respondent's attorney,

Whichever is first,

SO ORDERED.

DATE: 9/2/2016

ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF
JOHN L. JOSEPH, M.D.

SURRENDER OF LICENSE AND ORDER

JOHN L. JOSEPH, M.D., represents that all of the following statements are true:

That on or about October 5, 1979, I was licensed to practice as a physician in the State of New York, and issued License No. 139979 by the New York State Education Department.

My current address is [REDACTED]. I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", which is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the Statement of Charges, in full satisfaction of the charges against me.

I ask the Board to accept my Surrender of License, and I agree to be bound by all of the terms set forth in attached Exhibit "B".

I understand that, if the Board does not accept my Surrender of License, none of its terms shall bind me or constitute an admission of any of the acts of misconduct alleged; this application shall not be used against me in any way and shall be kept in strict
confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board accepts my Surrender of License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender Order, this agreement, and all attached exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website(s). OPMC shall report this action to the National Practitioner Data Bank, the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further
I understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 9/2/16

JOHN J. JOSEPH, M.D.
RESPONDENT
The undersigned agree to Respondent's attached Surrender of License and Order and to its proposed penalty, terms and conditions.

DATE: 

Attorney for Respondent

DATE: September 2, 2016

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 9/2/16

KEITH W. SERVIS
Director
Office of Professional Medical Conduct
NEW YORK STATE
DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

IN THE MATTER
OF
JOHN L. JOSEPH, M.D.

STATEMENT
OF
CHARGES

JOHN L. JOSEPH, M.D., the Respondent, was authorized to practice medicine in
New York State on or about October 5, 1979, by the issuance of license number 139979
by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 7, 2016, in the United States District Court, Eastern
District of New York, Respondent will have been convicted, following a guilty plea
entered May 23, 2016, of committing an act constituting a crime under federal law, in
that between November 2011 and February 2015, Respondent and others obtained
controlled substances, specifically oxycodone and diazepam, by fraud,
misrepresentation and deceit, in violation of Title 21, United States Code, Sections
843(a)(3) and 2.
B. During periods between November 2011 and February 2015, Respondent,
knowingly and with intent to deceive, obtained and/or diverted controlled substances,
specifically oxycodone and diazepam, in an unlawful and inappropriate manner,
without appropriate medical indication.

SPECIFICATION OF CHARGES
FIRST SPECIFICATION

CRIMINAL CONVICTION (Federal)

Respondent is charged with committing professional misconduct as defined in N.Y.
Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a
crime under federal law as alleged in the facts of the following:
1. Paragraph A.

SECOND SPECIFICATION

FRAUDULENT PRACTICE

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

2. Paragraph B.

DATE: September 12, 2016
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct