

Public

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

IN THE MATTER

OF

EUGENE JENO GOSY, M.D.

CONSENT

ORDER

BPMC No. #09-123

Upon the application of EUGENE JENO GOSY, M.D., (Respondent), in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

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

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 6-27-2009

Redacted Signature

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
EUGENE JENO GOSY, M.D.
CO-08-07-4452-A

CONSENT
AGREEMENT
AND ORDER

EUGENE JENO GOSY, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about July 31, 1990, I was licensed to practice as a physician in the State of New York, and issued license number 183330 by the New York State Education Department.

My current address is Redacted Address, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one (1) Specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

I do not contest the one (1) Specification, and agree to the following penalty:

\$1,000.00 fine.

The fine is to be paid within thirty (30) days of the effective date of this Order to the NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Corning Tower, Room 1717, Albany, NY 12237-0016.

I agree, further, that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay

all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement 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 New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent 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.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, 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 Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

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

AFFIRMED:

DATED:

6/11/09

Redacted Signature

EUGENE JENGO GOSY M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: June 9, 2009

Redacted Signature

PATRICK B. CURRAN
Attorney for Respondent

DATE: 19 June 2009

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/24/09

Redacted Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER

OF

EUGENE JENO GOSY, M.D.
CO-08-07-4452-A

STATEMENT

OF

CHARGES

EUGENE JENO GOSY, M.D., Respondent, was authorized to practice medicine in New York state on July 31, 1990, by the issuance of license number 183330 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 14, 2008, the State of New York, Department of Health, (hereinafter "New York Department"), by a Stipulation and Order (hereinafter "New York Order"), inter alia, assessed Respondent a \$1,500.00 civil penalty, based on violating New York PHL § 3304(1), PHL § 3343(2), PHL § 3370(1), PHL § 3370(2), PHL § 3370(3), 10 NYCRR 80.60, 10 NYCRR 80.100, and 10 NYCRR 80.111, in that in the course of Respondent's practice, that Respondent's DEA Registration Number was used to order controlled substances; an audit of Respondent's professional office records revealed deficiencies as follows: (a) On January 12, 2007, Respondent failed to produce purchase invoices for the controlled substance diazepam, (b) On January 12, 2007, Respondent failed to promptly produce purchase invoices for controlled substances at Respondent's DEA registered location, (c) Respondent failed to prepare and maintain a biennial inventory of controlled substances, and (d) On January 17, 2007, Respondent had in his possession one hundred fourteen (114) sample boxes of the controlled substance Provigil 200 mg, each box containing 7 tablets.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(e) by having been found by the commissioner of health to be in violation of article thirty-three of the public health law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *April 6*, 2009
Albany, New York

Redacted Signature

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