

**These charges are only allegations
which may be contested by the licensee
in an administrative hearing.**

IN THE MATTER

OF

HORACIO GONZALEZ, M.D.

STATEMENT
OF
CHARGES

HORACIO GONZALEZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 23, 1984 by the issuance of license number 159262 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 22, 2021, the Florida Board of Medicine ("Florida Board") issued a Final Order in which the Florida Board accepted Respondent's voluntarily relinquishment of his license to practice medicine in the State of Florida. As part of the voluntary relinquishment, Respondent agreed to never again apply for licensure in the State of Florida. The Final Order constituted disciplinary action against the Respondent. The Final Order followed an Investigative Report dated February 2021 that alleged that Respondent was arrested on February 5, 2021 for felony possession of controlled substances and for acquiring controlled substances by misrepresentation when he went to a pharmacy with a prescription for Valium for himself that the pharmacist refused to dispense. The Investigative Report also alleged that the Respondent then changed the name on the prescription to the name of his cat and presented it to the pharmacist who filled the prescription. The Investigative Report alleged that Respondent's conduct may have violated various provisions of Florida law including Fla. Stat. sections 456.072(1)(k), (z), (dd), 458.331(1)(g), (q), (r), (s), and (nn).

B. The conduct resulting in the Florida disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York law:

1. New York Education Law section 6530(2) (practicing the profession fraudulently).
2. New York Education Law section 6530(8) (being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, or having a psychiatric condition which impairs the licensee's ability to practice).
3. New York Education Law section 6530(16) (a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine).

C. On or about June 2, 2021, in the Circuit Court of the 18th Judicial Circuit, Seminole County, Florida, the Respondent entered a plea of Nolo Contendere to one count of Possession of a Controlled Substance in violation of Florida Statute 893.13(6)(A), a third-degree felony. The Florida Circuit Court ordered that the adjudication of guilt be withheld and sentenced the Respondent to 18 months of probation with 50 hours of community service, a drug and alcohol evaluation, a condition that he permanently forfeit his Florida medical license, a condition that the Respondent is permanently barred from practicing medicine in the State of Florida, and a requirement that Respondent pay costs and fines totaling \$468.00.

D. The conduct resulting in the Florida conviction against the Respondent would constitute a crime under the laws of New York State pursuant to the following sections of New York law:

1. New York Penal Law sections 178.26(1)(a)(i), (ii), and/or (iii) (fraud and deceit related to controlled substances).
2. New York Penal Law section 178.26(1)(b) (fraud and deceit related to controlled substances).
3. New York Penal Law section 178.26(1)(d) (fraud and deceit related to controlled substances).

4. New York Penal Law section 220.03 (criminal possession of a controlled substance in the seventh degree).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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 suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530[2], [8], and/or [16]) as alleged in the facts of the following:

1. Paragraphs A, B and B.1, B.2, and/or B.3.

SECOND SPECIFICATION

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely N.Y. Penal Law §§

178.26(1)(a)(i), (ii), (iii), 178.26(1)(b), 178.26(1)(d), and/or 220.03) as alleged in the facts of the following:

2. Paragraphs C, D, and D.1, D.2, D.3, and/or D.4.

DATE: July 26, 2022
Albany, New York



~~JEFFREY~~ J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct