



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

OFFICE OF PROFESSIONAL DISCIPLINE
(718) 246-3060/3061

195 MONTAGUE STREET - FOURTH FLOOR
BROOKLYN, NEW YORK 11201

July 20, 2012

Public

Gareth Lovett, Doctor of Medicine

REDACTED

Re: Application for Restoration

Dear Dr. Lovett:

Enclosed please find the Commissioner's Order regarding Case No CP-11-24, which is in reference to the restoration of license number 165654. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

LOUIS J. CATONE, Director
Office of Professional Discipline

By:

REDACTED

ARIANA MILLER
Supervisor

DD/AM/nbm

Enclosure

CERTIFIED MAIL - RRR

cc: Richard Finkel, Esq.
Meissner, Kleinberg & Finkel, L.L.P.
275 Madison Avenue
Suite 1000
New York, NY 10016-1101

The
University of the
Education  State of New York
Department

IN THE MATTER

of the

Application of GARETH W.
LOVETT for restoration of his
license to practice as a physician in
the State of New York.

Case No. CP- 11-24

It appearing that the license of GARETH W. LOVETT, to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct on June 10, 2000, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having reviewed the record, and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, except having adopted the terms of probation recommended by the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 13, 2011, it is hereby

ORDERED that the petition for restoration of License No. 165654, authorizing GARETH W. LOVETT to practice as a physician in the State of New York, is denied, but that: 1) the execution of the Order of surrender of said license shall be stayed, after said GARETH W. LOVETT, at his own expense, has submitted to an examination and any necessary treatment, with respect to his psychiatric fitness and any drug abuse, by a physician, psychiatrist, certified social worker, or nurse practitioner (psychiatric specialty) selected by him and previously approved by the Office of Professional Medical Conduct ("OPMC"); and has submitted a written report, at his own expense, to OPMC, in which said practitioner reports whether the applicant is

substance abuse free and psychiatrically fit to practice as a physician in the State of New York; and upon notification by the Director of the Office of Professional Medical Conduct that he has received a satisfactory report that the applicant is substance abuse free and fit to practice as a physician in the State of New York; 2) the applicant shall then be placed on probation under specified terms and conditions for a period of five years from the date on which he begins a residency or supervised employment, as provided in the terms of probation; and 3) upon successful completion of this probationary period, his license to practice as a physician in the State of New York shall be fully restored.



IN WITNESS WHEREOF, I, John B. King, Jr., Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 18th day of July 2012.

REDACTED

Commissioner of Education

Case No. CP-11-24

It appearing that the license of GARETH W. LOVETT, to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct on June 10, 2000, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having reviewed the record including the responses to the report of the Committee on the Professions, and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, except having adopted the terms of probation recommended by the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 13, 2011, it is hereby

VOTED that the petition for restoration of License No. 165654, authorizing GARETH W. LOVETT to practice as a physician in the State of New York, is denied, but that: 1) the execution of the Order of revocation of said license shall be stayed, after said GARETH W. LOVETT, at his own expense, has submitted to an examination and any necessary treatment, with respect to his psychiatric fitness and any drug abuse, by a physician, psychiatrist, certified social worker, or nurse practitioner (psychiatric specialty) selected by him and previously approved by the Office of Professional Medical Conduct ("OPMC"); and has submitted a written report, at his own expense, to OPMC, in which said practitioner reports whether the applicant is substance and abuse free and psychiatrically fit to practice as a physician in the State of New York; and upon notification by the Director of the Office of Professional Medical Conduct that he has received a satisfactory report that the applicant is substance abuse free and fit to practice as a physician in the State of New York; 2) the applicant shall then be placed on probation, under

specified terms and conditions for a period of five years from the date on which he begins a residency or supervised employment, as provided in the terms of probation; and 3) upon successful completion of this probationary period, his license to practice as a physician in the State of New York shall be fully restored.

EXHIBIT "A"

TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS

GARETH W. LOVETT

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), 433 River Street – Suite 303, Troy, NY 12180-2299, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That applicant shall submit himself for monitoring in regard to the use of drugs by a facility to be chosen by applicant, after obtaining prior written approval by OPMC, said facility to conduct an examination of applicant at least once every four months during the period of probation, at such times as said facility may choose, at applicant's expense, said examination to include urine samples for the detection of any drug in applicant. Applicant shall submit or cause to be submitted a written report from and signed by an authorized person from said facility, once every four months during the period of probation, in which said authorized person shall state whether the presence of any drug(s) has been detected by virtue of the said examination and shall also indicate the name of said drug(s). In the event any drug(s) is detected, the applicant shall submit a sworn affidavit explaining the use of said drug(s), as well as any other papers applicant wishes to submit in that regard. The said reports and affidavits, as well as any other papers shall be forwarded to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid. If any information is received by the New York State Department of Health indicating that applicant is not drug-free and/or not fit to practice his profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents;
4. That applicant shall, once every four months during the period of probation, submit, at applicant's expense, to an examination and any necessary treatment by a physician, psychiatrist, psychologist, certified social worker, or nurse practitioner (psychiatric specialty) chosen by applicant and previously approved, in writing by OPMC; that applicant shall submit, once every four months during the period of probation, written reports by said physician, psychiatrist, psychologist, certified social worker, or nurse practitioner (psychiatric specialty) stating whether or not applicant is fit to practice as a physician in the State of New York; that applicant must be fit to practice as a physician in the State of New York in order to be in compliance with this term of probation, such fitness to be

demonstrated by said report from the physician, psychiatrist, psychologist, certified social worker, or nurse practitioner (psychiatric specialty); and that, if information is received by the New York State Department of Health indicating that applicant is unfit to practice applicant's profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents as may be appropriate;

5. That applicant shall only practice in a residency program or as a physician in a supervised setting, such as an Article 28 facility, a Veteran's Administration facility, or another group setting selected by applicant and previously approved, in writing, by the Director of OPMC;
6. That applicant shall practice only under such supervision as may be approved by the Director of OPMC;
7. That applicant shall not practice as an anesthesiologist or as a sole practitioner;
8. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
9. That applicant shall submit written proof to the DOH addressed to the Director, OPM, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;
10. That applicant shall make quarterly visits to an employee of the OPMC, unless otherwise agreed to by said employee for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
11. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding.
12. That the period of probation shall be tolled during periods in which the applicant is not engaged in the active practice of medicine in New York State. The

applicant shall notify the Director of OPMC in writing, if the applicant is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. The applicant shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon the applicant's return to practice in New York State.