



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 28, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Stuck, M.D.
102 North Court Street
Calhoun, Georgia 30701-2230

RE: License No. 079992

Dear Dr. Stuck:

Enclosed please find Order #BPMC 98-318 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 28, 1998.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Peter Van Buren, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
ROBERT STUCK, M.D. : BPMC # 98-318

-----X

ROBERT STUCK, M.D., says:

On or about September 23, 1957, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 079992 by the New York State Education Department. My current address is 102 N. Court Street, Calhoun, GA, 30701-2230.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged 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".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.


I hereby agree not to contest the allegation and specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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.

I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this agreement of my own free will and accord

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



ROBERT STUCK, M.D.
Respondent

12-17-98

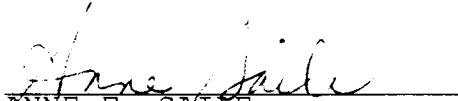
AGREED TO:

Date: December 21, 1998



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

Date: Dec 22, 1998



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

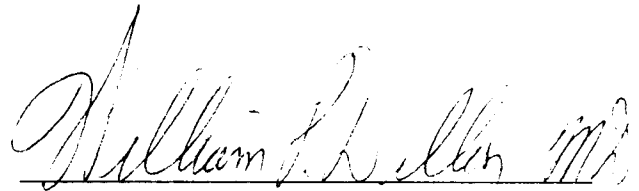
Upon the proposed agreement of ROBERT STUCK, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement 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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/23/98



WILLIAM P. DILLON, M.D.
Chair
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
ROBERT STUCK, M.D. : CHARGES

-----X

ROBERT STUCK, M.D., the Respondent, was authorized to practice medicine in New York State on September 23, 1957 the issuance of license number 079992 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. On or about May 7, 1998, The Composite Board of Medical Examiners of the State of Georgia, upon agreement with Robert Stuck, M.D., the Respondent, issued a Public Consent Order in Docket No. OSAH-SEB-MED-98-107-CJR. The Public Consent Order limited and restricted Respondent's license and provided that he should not practice surgery without the prior written consent of the Board. Respondent's license was placed on probation for three years under terms and conditions. The Composite Board found, in the Public Consent Order, that Respondent's conduct regarding patient C.R. departed from and failed to conform to the minimal standards of acceptable and prevailing medical practice in that Respondent's diagnosis and surgical treatment were not

justified by the patient's history of presentation of symptoms; that Respondent's treatment caused patient C.R's digit to become gangrenous and resulted in the patient undergoing a ray amputation to the hand; and that Respondent failed to maintain contemporaneous records adequate to furnish documentary evidence of the course of the patient's medical diagnosis, treatment and response.

2. The conduct found by the Georgia Board would, if committed in New York State, constitute professional misconduct under N.Y. Education Law Section 6530(3), (4), (5), (6) and/or (32).

FIRST SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) by reason of his having disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action involving the license would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraph 1 and/or 2.

DATED: *December 21*, 1998
Albany, New York

Peter D. Van Buren

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