



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health
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Office of Professional Medical Conduct

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

January 6, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Monroe Gross, M.D.
2505 Samaritan Drive
Suite 402
San Jose, CA 95124

RE: License No.: 092127

Dear Dr. Gross:

Enclosed please find Order #BPMC 00-5 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 6, 2000**.

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: Robert Bogan, Esq.

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

**IN THE MATTER
OF
MONROE GROSS, M.D.**

**SURRENDER
ORDER**
BPMC# 00-5

MONROE GROSS, M.D., says:

On or about May 12, 1964, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 092127 by the New York State Education Department.

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 the New York State Board for Professional Medical Conduct has charged me with two (2) specifications 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 two (2) specifications set forth in the Statement of Charges (Exhibit A).

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

-----X

IN THE MATTER
OF
MONROE GROSS, M.D.

STATEMENT
OF
CHARGES

-----X

MONROE GROSS, M.D., the Respondent, was authorized to practice medicine in New York state on May 12, 1964, by the issuance of license number 092127 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 2, 1997, the Division of Medical Quality, Medical Board of California by a Decision, revoked Respondent's Physician and Surgeon Certificate, stayed the revocation, placed him on five (5) years probation with conditions, and ordered reimbursement of \$36,430.00 and monitoring costs, based on gross negligence in the treatment of three (3) child patients and failure to provide adequate information to the parents in seeking informed consent for said treatments.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:


1. New York Education Law §6530(3) (negligence on more than one occasion); and/or

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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same 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 first.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Date: 12/29, 1999


MONROE GROSS, M.D.
Respondent

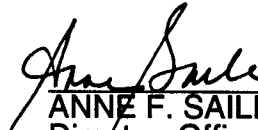
AGREED TO:

Date: 12/30, 1999



ROBERT BOGAN *R, A, B*
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 12/31/99, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

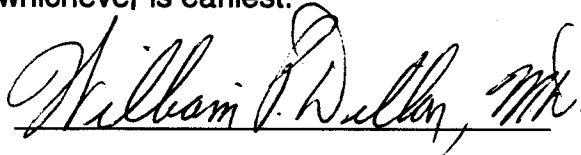
Upon the proposed agreement of , M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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 to Respondent's attorney at the addresses set forth in this agreement, or upon transmission via facsimilie to Respondent or Respondent's attorney, whichever is earliest.

DATED: 1/4/00



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

2. New York Education Law §6530(4) (gross negligence).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: _____, 1999
Albany, New York

PETER D. VAN BUREN