



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., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 23, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gregory T. Fisher, M.D.
3801 Katella Avenue
Suite 314
Los Alamitos, CA 90720

RE: License No. 127196

Dear Dr. Fisher:

Enclosed please find Order #BPMC 01-187 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 23, 2001.

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 J. Sullivan, Esq.
Nossaman, Gunther, Knox & Elliott, LLP
915 L Street, Suite 1000
Sacramento, CA 95814-3701

Robert Bogan, Esq.

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

IN THE MATTER
OF
GREGORY T. FISHER, M.D.
CO-00-11-4974-A

SURRENDER

ORDER

BPMC No. 01-187

GREGORY T. FISHER, M.D., says:

On or about July 1, 1976, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 127196 by the New York State Education Department. I currently reside at 3801 Katella Avenue, Suite 314, Los Alamitos, CA 90720-0700.

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 five (5) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in New York state in over twenty years and I do not intend to return to practice medicine in New York state. I am, therefore, 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 Factual Allegations A, B, C, D, and E and the First Specification set forth in the Statement of Charges (Exhibit A). I specifically deny Factual Allegations F and G and the Second, Third, Fourth, and Fifth Specifications set forth in the Statement of Charges (Exhibit A). It is understood and agreed, therefore, that this Surrender

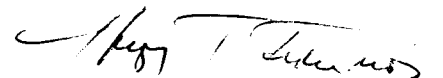
Order is based solely on Factual Allegations A, B, C, D, and E and the First Specification as set forth in the Statement of Charges (Exhibit A).

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 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.

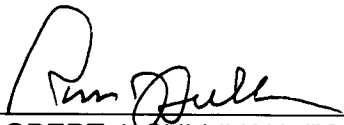
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: 8/15, 2001

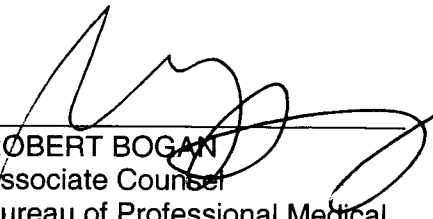

GREGORY T. FISHER, M.D.
Respondent

AGREED TO:

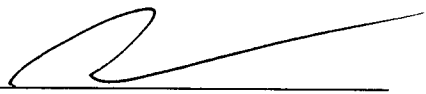
Date: Aug 9, 2001


ROBERT J. SULLIVAN, ESQ.
Attorney for Respondent

Date: [Signature], 2001


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 20 August, 2001


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
GREGORY T. FISHER, M.D.
CO-00-11-4974-A

STATEMENT
OF
CHARGES

GREGORY T. FISHER, M.D., the Respondent, was authorized to practice medicine in New York state on July 1, 1976, by the issuance of license number 127296 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 30, 1998, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), prepared an Accusation (hereinafter "California Accusation 1"), against Respondent charging him with gross negligence, negligence on more than one occasion, and repeated clearly excessive treatment.

B. On or about August 3, 1999, the California Board by an Agreement (hereinafter "California Agreement 1"), "required Respondent to obtain the review of the medical records... on quality of care issues..." "If the reviewer concludes the Respondent's medical care... is within the standard of care, respondent shall then...pass an oral clinical examination in diagnosis and treatment of carpal tunnel syndrome..." "If Respondent passes the examination Complainant..." agrees to enter an order withdrawing Accusation 1 described in Paragraph A above. "If Respondent fails the examination, Complainant may...(file)...an amended or supplemental accusation."

C. On or about June 7, 2000, the California Board prepared a First Amended Accusation (hereinafter "California Accusation 2"), against Respondent charging him with gross

negligence, repeated acts of negligence, dishonesty and false medical record, unprofessional conduct, repeated clearly excessive treatment, and incompetence.

D. On or about August 31, 2000, the California Board, by an Order Approving Amendment to Settlement Agreement (hereinafter "California Agreement 2"), amended California Agreement 1 described in Paragraph B above, "to delete the request that the Respondent pass an oral clinical examination on the diagnosis and treatment of carpal tunnel syndrome...the results of the oral clinical examination...shall be nullified upon Respondent's successful completion of the PACE Program ...and Respondent's payment of partial costs...of \$3,000.00...Respondent shall...complete the Pace Program..." "Upon successful completion of the Pace Program and payment of the costs...Complainant shall..." withdraw California Accusations 1 and 2 described in Paragraphs A and C above.

E. The conduct resulting in the California Board disciplinary actions 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);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (inadequate recordkeeping).

F. On or about July 3, 1998, Respondent prepared and submitted a registration document to The New York State Education Department, wherein he checked the "No" box to the question, "Since you last filed a registration application:...Has any other state or country instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence, or revoked, suspended, or accepted surrender of a professional license held by you?"

G. On or about August 1, 2000, Respondent prepared and submitted a registration document to The New York State Education Department, wherein he checked the "No" box to the question, "Since you last filed a registration application:...Has any other state or country instituted charges against you for professional misconduct, unprofessional conduct,

incompetence or negligence, or revoked, suspended, or accepted surrender of a professional license held by you?"

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had 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 would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in paragraphs A, B, C, D, and/or E.

SECOND AND THIRD SPECIFICATIONS

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

2. The facts in paragraphs A, B, C, D, E, and/or F.
3. The facts in paragraphs A, B, C, D, E, and/or G.

FOURTH AND FIFTH SPECIFICATIONS

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, in that Petitioner charges:

4. The facts in paragraphs A, B, C, D, E, and/or F.
5. The facts in paragraphs A, B, C, D, E, and/or G.

DATED: *May 14*, 2001
Albany, New York


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

ORDER

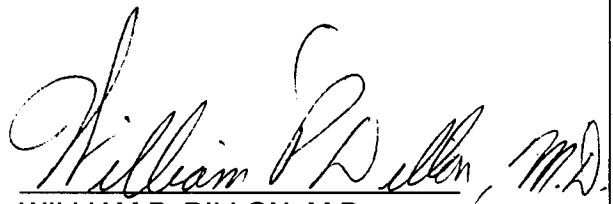
Upon the proposed agreement of **GREGORY T. FISHER, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the 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 at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8/21, 2001


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