



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

May 5, 2000

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Stephen A. Grochmal, M.D.  
P.O. Box 1307  
Paramus, New Jersey 07653

Stephen A. Grochmal, M.D.  
625 From Road  
Paramus, New Jersey 07652

Joseph M. Gorrell, Esq.  
Brach, Eichler, Rosenberg,  
Silver, Bernstein, Hammer  
And Gladstone, P.C.  
101 Eisenhower Parkway  
Roseland, New Jersey 0706-1067

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

**RE: In the Matter of Stephen A. Grochmal, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-145 ) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

**IN THE MATTER**  
**OF**  
**STEPHEN A. GROCHMAL, M.D.**

**DECISION**

**AND**

**ORDER**  
BPMC 00-145

A Notice of Referral Proceeding and a Statement of Charges, both dated, December 9, 1999, were served upon the Respondent, **STEPHEN A. GROCHMAL, M.D.**

**JOHN W. CHOATE, M.D.**, Chairperson, **JOHN P. FRAZER, M.D.** and **STEPHEN E. WEAR, PH.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on April 18, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **BRACH, EICHLER, ROSENBERG, SILVER, BERNSTEIN, HAMMER AND GLADSTONE, P.C.**, 101 Eisenhower Parkway, Roseland, New Jersey 07066-1067, by **JOSEPH M. GORRELL, ESQ.**, of Counsel.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

### WITNESSES

For the Petitioner:

None

For the Respondent:

Stephen A. Grochmal, M.D., the Respondent  
Diane Garriatt  
David I. Canavan, M.D.

## FINDINGS OF FACT

The following Findings Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **STEPHEN A. GROCHMAL, M.D.**, the Respondent, was authorized to practice medicine in New York State on April 3, 1981 by the issuance of license number 145442 by the New York State Education Department. (Pet's. EX. 3)
  
2. On October 14, 1997, the State of New Jersey, Department of Law and Public Safety, Division on Consumer Affairs, State Board of Medial Examiners (hereinafter "New Jersey Board"), entered into a Consent Order (hereinafter "New Jersey Order"), wherein, the Respondent was permitted to return to the active practice of medicine in the State of New Jersey upon completion of his registration renewal, he was to continue in psychotherapy with conditions, and his probation established by a Board Order of December 11, 1995 was to continue. (Pet's. Ex. 4)
  
3. The October 14, 1997, New Jersey Order, was based on a December 11, 1995 Consent Order (hereinafter "New Jersey Consent") of the New Jersey Board wherein Respondent's license to practice medicine was suspended for two (2) years, seven (7)

months to be served actively, and the remaining seventeen (17) months to be served as a probationary period, and he was required to pay \$11,636.53 cost and \$5,00.00 civil penalty, based on professional misconduct and the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense by submitting to a hospital, what purported to be a certificate from the American Board of Obstetrics and Gynecology, Inc. issued to him, that he knew to be false. (Pet's. Ex. 4)

### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes unanimously (3-0) that the conduct resulting in the New Jersey Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State.

### **VOTE OF THE HEARING COMMITTEE** **(All vote were unanimous unless otherwise specified)**

#### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent 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 committed in New York State.

**VOTE: SUSTAINED (3-0)**

## **SECOND SPECIFICATION**

Respondent 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.

VOTE: SUSTAINED (3-0)

## **HEARING COMMITTEE DETERMINATION**

The record in this case indicates that in 1995 the Respondent entered into a "CONSENT ORDER" with the New Jersey State Board of Medical Examiners in which he admitted various violations including professional misconduct and the use or employment of dishonesty, fraud, deception and misrepresentation with regard to certain submissions to Christ Hospital in Jersey City, New Jersey. The Respondent represented that he was a certified diplomate of the American Board of Obstetrics and Gynecology and even presented what purported to be a certificate from the American Board of Obstetrics and Gynecology in support of his application for privileges. This representation by the Respondent was false.

The Respondent testified at the instant hearing. Despite the fact that he admitted to the New Jersey Board of Medical Examiners that he had submitted false credentials to Christ Hospital, he denied that charge under oath at the present hearing.



He testified that he did not submit the false certificate and that he did not know how the false certificate got into his records. His testimony was contradicted by his own witness, Dr. Canavan, who testified that the Respondent had admitted to him that he had submitted the false certificate to Christ Hospital.

The Respondent's testimony at the instant hearing included other matters contained in the New Jersey "Complaint" (Exhibit 4), ie., his repeated failure to respond to requests that he appear before the Quality Assurance Committee at Robert Wood Johnson University Hospital; his failure to release a patient's medical records upon request in a timely manner; transferring a patient to Methodist Hospital in Philadelphia, Pennsylvania contrary to the patient's wishes to undergo surgery at Overlook Hospital in New Jersey; writing prescriptions for his wife; and also his failure to make proper disclosures on his New York State registration renewal application.

The Respondent was not a credible witness. His testimony was glib and self serving and at times he gave bizarre explanations for things which, on their face, looked to be clear violations. He gave any excuse he could think of rather than admit any wrongdoing and he frequently attempted to shift blame to others.

The Hearing Committee came away with the impression that the Respondent is systematically dishonest and that he evidences such a fundamentally deep character flaw that makes him morally unfit to practice the profession.

The Hearing Committee determines unanimously (3-0) that the Respondent's license to practice medicine in the State of New York should be **REVOKED**.

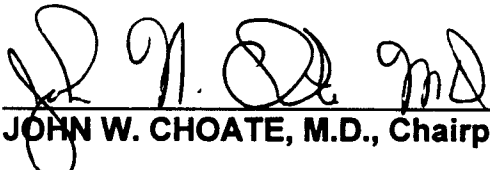
ORDER

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in the State of New York is hereby REVOKED.
2. This ORDER shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified mail.

DATED: 5/3, 2000

, New York

  
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JOHN W. CHOATE, M.D., Chairperson

JOHN P. FRAZER, M.D.  
STEPHEN E. WEAR, PH.D.

**APPENDIX I**

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

**IN THE MATTER  
OF  
STEPHEN A. GROCHMAL, M.D.**

NOTICE  
OF  
REFERRAL  
PROCEEDING

TO: STEPHEN A. GROCHMAL, M.D.  
P.O. Box 1307  
Paramus, New Jersey 07653

STEPHEN A. GROCHMAL, M.D.  
625 From Road  
Paramus, New Jersey 07652

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19th day of January, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York

State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before January 10, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before January 10, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court

engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE  
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: Albany, New York  
*December 9*, 1999



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

Inquiries should be addressed to:

Robert Bogan  
Assistant Counsel  
Office of Professional Medical Conduct  
433 River Street  
Suite 303  
Troy, NY 12180  
(518)402-0820

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

-----X  
IN THE MATTER  
OF  
STEPHEN A. GROCHMAL, M.D.  
STATEMENT  
OF  
CHARGES  
-----X

STEPHEN A. GROCHMAL, M.D., the Respondent, was authorized to practice medicine in New York State on April 3, 1981 by the issuance of license number 145442 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 14, 1997, the State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), entered into a Consent Order (hereinafter "New Jersey Order"), wherein, the Respondent was permitted to return to the active practice of medicine in the State of New Jersey upon completion of his registration renewal, he was to continue in psychotherapy with conditions, and his probation established by a Board Order of December 11, 1995 was to continue.

B. The New Jersey Order, referred to in Paragraph A above, was based on a December 11, 1995 Consent Order (hereinafter "New Jersey Consent") of the New Jersey Board wherein Respondent's license to practice medicine was suspended for two (2) years, seven (7) months to be served actively, and the remaining seventeen (17) months to be served as a probationary period, and he was required to pay \$11,636.53 costs and \$5,000.00 civil penalty, based on professional misconduct and

the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense by submitting to a hospital, what purported to be a certificate from the American Board of Obstetrics and Gynecology, Inc. issued to him, that he knew to be false.

C. The conduct resulting in the New Jersey 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(16) (failure to comply with federal, state or local laws, rules, or regulations);
2. New York Education Law §6530(20) (moral unfitness); and/or
3. New York Education Law §6530(21) (making or filing a false report).

## **SPECIFICATIONS**

### **FIRST SPECIFICATION**

Respondent 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 committed in New York State, in that Petitioner charges:

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



**SECOND SPECIFICATION**

Respondent 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, B. and/or C.

DATED: *Dec. 9*, 1999  
Albany, New York

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