



New York State Board for Professional Medical Conduct

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

Richard F. Daines, M.D.
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NYS Department of Health
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Office of Professional Medical Conduct

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Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

Public

January 8, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gary Leigh Cohen, M.D.
11709 Kemp Mill Road
Silver Springs, MD 20902

Re: License No. 175518

Dear Dr. Cohen:

Enclosed is a copy of Order #BPMC 08-05 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect January 15, 2008.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

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

Enclosure

cc: Barbara Ryan, Esq.
Aaronson, Rappaport, Feinstein & Deutsch, LLP
757 Third Avenue
New York, NY 10017

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

IN THE MATTER
OF
GARY L. COHEN, M.D.

CONSENT
ORDER

BPMC No. #08-05

Upon the application of (Respondent), **GARY L. COHEN, M.D.** in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 1/7/08



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
GARY L. COHEN, M.D.
CO-07-02-1075-A

CONSENT
AGREEMENT
AND ORDER

GARY L. COHEN, M.D., representing that all of the following statements are true, deposes and says:

That on or about July 26, 1988, I was licensed to practice as a physician in the State of New York, and issued License No. 175518 by the New York State Education Department.

My current address is 11709 Kemp Mill Road, Silver Springs, MD 20902, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with three (3) Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the three (3) Specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Censure and Reprimand;

Respondent shall advise Office of Professional Medical Conduct of any controlled or mood-altering substances given or prescribed by treating physician every six (6) months or upon any change or modification, thereof, whichever is earlier.

This requirement shall remain in effect for at least three (3) years and until Respondent shall not have been prescribed controlled or mood-altering substances for at least three (3) years. At such time Respondent may cease reporting until and unless Respondent is again being prescribed controlled or mood-altering substances. Should he again be prescribed controlled or mood-altering substances he will be under the original reporting requirements.

Respondent's treating physician, for depression and/or any other psychiatric condition, shall report to the Director regarding Respondent's condition and fitness or incapacity to practice medicine. Respondent shall comply with all treatment recommendations. Failure to comply with such treatment recommendations shall constitute professional misconduct.

Respondent shall notify the Office of Professional Medical Conduct of the name, address, and telephone number of Respondent's treating physician and shall give written authorization for Respondent's treating physician to provide the Director of OPMC with all information and/or documentation requested by OPMC to determine whether Respondent is in compliance with the treatment and with this Order, including full access to all records maintained by Respondent's treating physician.

At the direction of the Director of OPMC, Respondent shall submit to evaluations by a board-certified psychiatrist, licensed mental health practitioner or other health care professional or program designated by the Director (hereafter "Evaluator"). Respondent shall provide the Evaluator with a copy of this Order and copies of all previous treatment records. OPMC, at its discretion, may provide information or documentation from its investigative files concerning Respondent to Respondent's Evaluator. The Evaluator shall report to the Director regarding Respondent's condition and fitness or incapacity to practice medicine. Respondent shall comply with all treatment recommendations based upon the evaluation; failure to comply with such treatment recommendations shall constitute professional misconduct.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.


I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

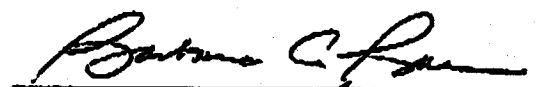
AFFIRMED:

DATED: 18 Dec 07


GARY L. COHEN, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

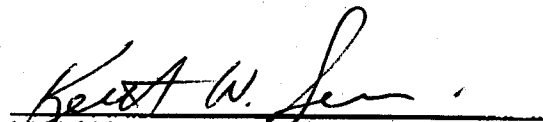
DATE: December 20, 2007


BARBARA A. RYAN/
ANDREW C. TOBMAN
Attorney for Respondent

DATE: 21 Dec 2007


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 1/3/08


KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
GARY L. COHEN, M.D.
CO-07-02-1075-A

STATEMENT
OF
CHARGES

GARY L. COHEN, M.D., Respondent, was authorized to practice medicine in New York state on July 26, 1988, by the issuance of license number 175518 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 3, 2004, Respondent prepared and submitted to the United States of America, Department of the Air Force (hereinafter "USA"), an Application for Clinical Privileges/Medical Staff Appointment Update (hereinafter "AF FORM 1540A"), wherein he falsely and willfully failed to disclose in the remarks block that he was prescribed psychotropic medications and that he was being treated for depression, a psychiatric disorder.

B. On or about January 23, 2006, Respondent prepared and submitted to the United States of America, Department of the Air Force (hereinafter "USA"), and Application for Clinical Privileges/Medical Staff Appointment Update (hereinafter "AF FORM 1540A"), wherein he falsely and willfully failed to disclose in the remarks block that he was prescribed psychotropic medications and that he was being treated for depression, a psychiatric disorder.

C. On or about April 26, 2006, the USA, by Non-Judicial Punishment Proceedings, pursuant to Uniform Code of Military Justice, Article 15, Commanding Officer's non-judicial punishment, found Respondent guilty of dereliction in the performance of his duties, in violation of the United Code of Military Justice, Article 92, in that he willfully failed to disclose on his Application For Clinical Privileges/Medical Staff Appointment Update, that he was being treated for depression, a psychiatric disorder, and accompanying medications, and was required to forfeit \$2,000.00 per month for two (2) months and severely reprimanded.

D. The conduct resulting in the USA 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(2) (practicing the profession fraudulently).

FIRST AND SECOND SPECIFICATIONS

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

1. The facts in Paragraphs A and/or B.
2. The facts in Paragraph A.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(c) by having had been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, and when the violation would constitute professional misconduct pursuant to New York law, in that Petitioner charges:

3. The facts in Paragraphs B, C, and/or D.

DATED: *July 20*, 2007
Albany, New York


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