



***New York State Board for Professional Medical Conduct***

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

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

PUBLIC

January 25, 2005

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Gustavo E. Coll, M.D.  
10840 Snapper Creek Road  
Miami, FL 33156

Re: License No. 193188

Dear Dr. Coll:

Enclosed please find Order #BPMC 05-15 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 1, 2005.

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 the 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: Benedict P. Kuehne, Esq.  
Sale & Kuehne  
Bank of America Tower, Suite 3550  
100 S.E. 2nd Street  
Miami, FL 33131-2154

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

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IN THE MATTER  
OF  
GUSTAVO E. COLL, M.D.  
CO-02-12-6001-A

SURRENDER  
ORDER  
BPMC No. 05-15

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**GUSTAVO E. COLL, M.D.,** says:

On or about August 5, 1993, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 193188 by the New York State Education Department. I currently reside at 10840 Snapper Creek Road, Miami, FL 33156.

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 one (1) 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 one (1) specification set forth in the Statement of Charges (Exhibit A), except that my plea was not guilty and I was found guilty by a jury.


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.

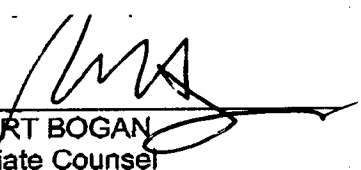
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: 01/05/05

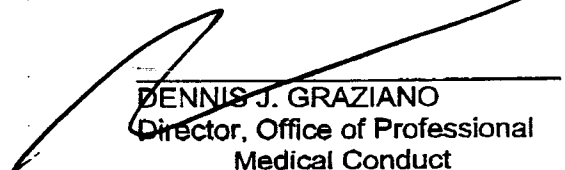
  
GUSTAVO E. COLL, M.D.  
Respondent

AGREED TO:

Date: 18 January 2005

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 20 January 2005

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

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

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IN THE MATTER  
OF  
GUSTAVO E. COLL, M.D.  
CO-02-12-6001-A

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STATEMENT  
OF  
CHARGES

**GUSTAVO E. COLL, M.D.**, the Respondent, was authorized to practice medicine in New York state on August 5, 1993, by the issuance of license number 193188 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 19, 2003, in the United States District Court, Southern District of Florida, Respondent was found guilty, based on a plea of guilty, of forty-five (45) counts of Health Care Fraud, in violation of 18 USC 1347 and 2, a Class C felony, and forty-five (45) counts of False Claims, in violation of 18 USC 287 and 2, a Class D felony, and was sentenced to fifty-seven (57) months confinement, three (3) years supervised release with conditions upon release from confinement, to include five (5) months home confinement, a \$50,000.00 fine, and a \$9,000.00 assessment.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing acts constituting crimes under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *July 3*, 2003  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

**ORDER**

Upon the proposed agreement of **GUSTAVO E. COLL, 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: 1-24-05



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