



***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.  
*Commissioner  
NYS Department of Health*

Dennis P. Whalen  
*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

**PUBLIC**

Michael A. Gonzalez, R.P.A.  
*Vice Chair*

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

May 18, 2004

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

Mark A. Schenkler, M.D.  
40-B Berkeley Road  
Charleston, SC 29407

Re: License No. 195594

Dear Dr. Schenkler:

Enclosed please find Order #BPMC 04-109 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect May 25, 2004.

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:

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

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**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**MARK A. SCHENKLER, M.D.  
CO-04-01-0182-A**

BPMC No. 04-109

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**MARK A. SHENKLER, M.D.,** says:

On or about May 3, 1994, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 195594 by the New York State Education Department. I currently reside at 40-B Berkeley Road, Charleston, SC 29407.

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 three (3) 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 three (3) specifications 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.

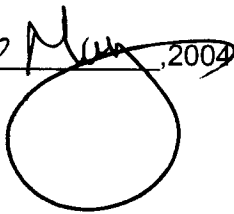
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

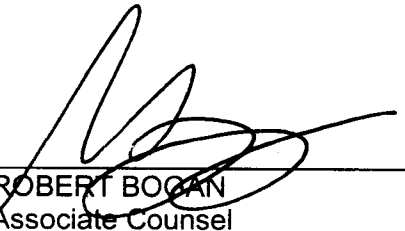
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 3 May, 2004

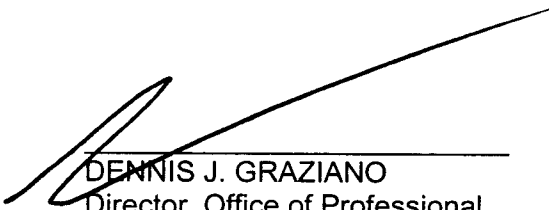
  
MARK A. SCHENKLER, M.D.  
Respondent

AGREED TO:

Date: 06 May, 2004  


  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 10 May, 2004

  
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  
MARK A. SCHENKLER, M.D.  
CO-04-01-0182-A

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STATEMENT  
OF  
CHARGES

**MARK A. SCHENKLER, M.D.**, the Respondent, was authorized to practice medicine in New York state on May 3, 1994, by the issuance of license number 195594 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about 2001, Respondent engaged in inappropriate sexual conduct with a female patient and beginning on or about early 2003, Respondent engaged in inappropriate sexual conduct with two (2) additional patients.

B. On or about early 2003, Respondent provided the latter two (2) patients described in Paragraph A above, with high potency opiate medications without proper clinical indications and documentation.

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(3) by practicing the profession with negligence on more than one occasion, in that Petitioner charges:

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

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine that evidences moral unfitness, in that Petitioner charges:


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

**THIRD SPECIFICATION**

Respondent violated New York Education Law §6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

3. The facts in Paragraphs A and/or B.

DATED: *May 4*, 2004  
Albany, New York

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

**ORDER**


Upon the proposed agreement of **MARK A. SCHENKLER, 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: 5/11, 2004

  
MICHAEL A. GONZALEZ, R.P.A.  
Vice Chair  
State Board for Professional  
Medical Conduct