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Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

July 15, 1992

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Gerald Alan Acker, M.D.
1 Expressway Plaza
Roslyn Heights, NY 11577

RE: License No. 094882

Dear Dr. Acker:

Enclosed please find Order #BPMC 92-53 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,

C. Maynard Guest

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

-----X
: IN THE MATTER :
: OF : ORDER
: GERALD ALAN ACKER, M.D. : BPMC # 92-53
: :
-----X

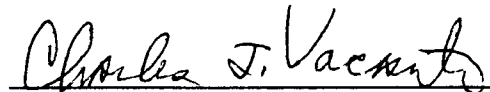
Upon the Application For a Consent Order of
GERALD ALAN ACKER, M.D., sworn to the 10th day of June 1992,
which said Application is Annexed hereto and made a part hereof,
it is

ORDERED, that said Application and the provisions
therein are hereby adopted, and it is further

ORDERED that this Order shall take effect as of the
date of the personal service of this Order upon the Respondent
or upon Respondent's receipt of the Order by certified mail, or
seven days after the date of the letter transmitting the Order
to Respondent by certified mail, whichever is earlier.

SO ORDERED,

DATED: 30 June 1992



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
GERALD ALAN ACKER, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

GERALD ALAN ACKER, M.D., being duly sworn, deposes and says:

That on or about July 19, 1965, I was licensed to practice as a physician in the State of New York, having been issued License No. 094882 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1991 through December 31, 1992 from 1 Expressway Plaza, Roslyn Heights, N.Y. 11577

I understand that the New York State Board of Professional Medical Conduct has charged me with seven specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First through Seventh Specifications of Charges, inclusive, set forth in the Statement of Charges annexed hereto and marked Exhibit "A" in full satisfaction of all charges set forth therein.

I hereby agree to the penalty that my license be Suspended, said Suspension to be stayed and I be put on probation for a period of two years from the effective date of this order in accordance with the Terms of Probation annexed hereto and marked Exhibit "B".

I further hereby agree to the imposition of a civil penalty of payment of a fine in the sum of Thirty-Thousand Dollars (\$30,000.00). The payment of the civil penalty shall be made in six (6) equal installment payments of Five Thousand Dollars (\$5,000.00) each in accordance with the following payment schedule:

<u>Installment</u>	<u>Due Date</u>
1	120 (number of days
2	240 following effective
3	365 date of this order)
4	485
5	605
6	730

If I fail to pay a part or all of any installment of this civil penalty in a timely manner, then, at the option of the New York State Department of Health the entire balance of the civil penalty shall be due and payable immediately.

All payments of this civil penalty shall be made to the New York State Department of Health, Fiscal Management Group, Bureau of Accounts Management, Room 1245 Corning Tower Building, Empire State Plaza, Albany, New York 12237-0016.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

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



GERALD ALAN ACKER, M.D.
RESPONDENT

Sworn to before me this
10 day of June, 1992.



NOTARY PUBLIC

My Commissioner expires / /

THERESA A. BERNARD
Notary Public, State of New York
No. 4956871
Qualified in Suffolk County
Commission Expires October 2, 1993

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

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
GERALD ALAN ACKER, M.D. :
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 6/7/92 Gerald Alan Acke
GERALD ALAN ACKER, M.D.
RESPONDENT

Date: 6/15/92 Joseph Huberty
JOSEPH HUBERTY, SENIOR ATTORNEY
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: July 6, 1992 Kathleen M. Tanner
KATHLEEN M. TANNER
DIRECTOR, OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 30 June 1992 Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON, STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
GERALD ALAN ACKER, M.D. : CHARGES

-----X

GERALD ALAN ACKER, M.D., the Respondent, was authorized to practice medicine in New York State on July 19, 1965 by the issuance of license number 094882 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine through December 31, 1992. His last registered address with the New York State Education Department was # 1 Expressway Paza, Roslyn Heights, N.Y. 11577.

FACTUAL ALLEGATIONS

A. Respondent's privileges to practice medicine at Central General Hospital, Plainview, N.Y. were terminated on January 29, 1986. The Respondent was never thereafter granted staff privileges at said Hospital.

1. On or about April 6, 1988 Respondent intentionally asserted in a listing statement for the Medical Directory of the Medical Society of the State of New

York that he had a present Hospital appointment at Central General Hospital, Inc. Plainview N.Y.

B. Respondent is not and never was a Fellow of the American College of Surgeons.

1. On or about October 24, 1983 in a listing statement made to the Medical Society of the State of New York for listing in the directory published by that society Respondent intentionally asserted that he was a Fellow of the American College of Surgeons.
2. On or about April 25, 1982 in an Application for Appointment to the Medical - Dental Staff of Deepdale General Hospital, Inc., Little Neck, N.Y. Respondent stated that he was a Fellow of the American College of Surgeons.
3. On or about May 24, 1985 in an Application for Medical Staff Appointment made to Long Beach Memorial Hospital Long Beach N.Y. Respondent stated that he was a Fellow of the American College of Surgeons.

C. Respondent is not and never was a member of the American Society of Plastic & Reconstructive Surgeons, Inc.

1. On May 24, 1985 in an application for Medical Staff Appointment to the staff of Long Beach Memorial Hospital, Long Beach, N.Y. Respondent stated that he was a member of the American Society of Plastic and Reconstructive Surgeons, Inc.
2. On or about October 24, 1983 on a directory information form provided by an returned by Respondent to the Medical Society of the State of New York Respondent stated that he was a member of the American Society of Plastic and Reconstructive Surgeons, Inc.

D. During calendar years 1983, 1984, 1985 and 1986 Respondent had not made application to nor was he a member or a Fellow of the International College of Surgeons.

1. On or about December 5, 1984 in an Application to the Medical Staff of Central General Hospital, Plainview,

N.Y. Respondent stated that he was a Fellow of the International College of Surgeons.

SPECIFICATION OF CHARGES

FIRST THROUGH SEVENTH SPECIFICATIONS

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with practicing the profession of medicine fraudulently under NY Educ. Law §6530(2) (McKinney Supp. 1992)]formerly NY Educ. Law 6509(2)] in that Petitioner charges:

1. The facts of paragraphs A and A.1.
2. The facts of paragraphs B and B.1.
3. The facts of paragraphs B and B.2.
4. The facts of paragraphs B and B.3.
5. The facts of paragraphs C and C.1.
6. The facts of paragraphs C and C.2.
7. The facts of paragraphs D and D.1.

EIGHTH THROUGH FOURTEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with conduct in the practice of the profession which evidences moral unfitness to practice the profession under NY Educ. Law §6530(20) [(McKinney Supp. 1992) formerly NY Educ. Law §6509(9) and 8NYCRR29.1(b) (5) 1987]] in that Petitioner charges:

8. The facts of paragraphs A and A.1.

9. The facts of paragraphs B and B.1.
10. The facts of paragraphs B and B.2.
11. The facts of paragraphs B and B.3.
12. The facts of paragraphs C and C.1.
13. The facts of paragraphs C and C.2.
14. The facts of paragraphs D and D.1.

DATED: Albany, New York
May 28, 1992



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

EXHIBIT "B"

TERMS OF PROBATION

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

6. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
7. I have read and I understand all the terms and conditions of probation set forth herein and I acknowledge receipt of a copy of same.

DATED:

6/18/92

Gerald Alan Ackers

GERALD ALAN ACKER, M.D.