



**Board for Professional Medical Conduct**

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

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

September 23, 1994

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Michael S. Drucker, M.D.  
Premier Family Care, P.A.  
8837 Goodby's Executive Drive  
Jacksonville, Florida 32217-4666

RE: License No. 106690

Dear Dr. Drucker:

Enclosed please find Order #BPMC 94-192 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 12237-0756

Sincerely,

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

Enclosure

cc: Barry Sinoff, Esq.  
6960 Bonneval Road  
Jacksonville, Florida 32216

Frederick Zimmer, Esq.

bcc: Chris Hyman  
Peter Van Buren  
Kenneth Spooner  
Vincent Martiniano  
Newsletter File  
Anne Bohenek

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :  
OF : ORDER  
MICHAEL S. DRUCKER, M.D. : BPMC # 94-192  
Respondent :

-----X

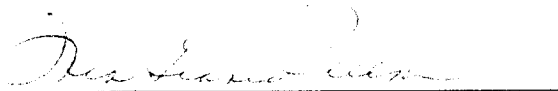
Upon the Application of MICHAEL S. DRUCKER, M.D.  
(Respondent) to Surrender his/her license as a physician in the  
State of New York, which application is made a part hereof, it is  
ORDERED, that the application and the provisions thereof are  
hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the  
roster of physicians in the State of New York; it is further

ORDERED, that this order shall take effect as of the date of  
the personal service of this order upon Respondent, upon receipt  
by Respondent of this order via certified mail, or seven days  
after mailing of this order via certified mail, whichever is  
earliest.

SO ORDERED,

DATED: 7-21-94



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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
MICHAEL S. DRUCKER, M.D., : LICENSE  
Respondent :

-----X

STATE OF FLORIDA )  
COUNTY OF DUVAL ) ss.:

MICHAEL S. DRUCKER, M.D., being duly sworn, deposes and  
says:

On or about July 28, 1970, I was licensed to practice  
medicine as a physician in the State of New York having been  
issued License No. 106690 by the New York State Education  
Department.

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 I have been charged with one specification  
of professional misconduct as set forth in the Statement of  
Charges, annexed hereto, made a part hereof, and marked as  
Exhibit "A".

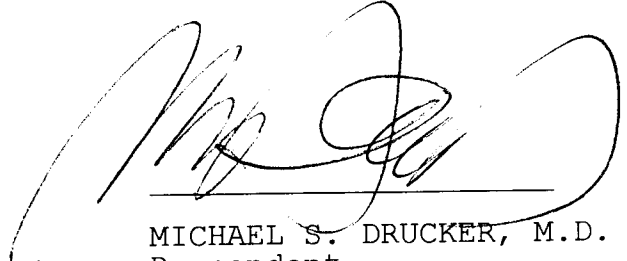
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specification of misconduct.

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

I understand that, in the event that the application 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 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 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.

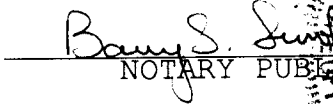
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

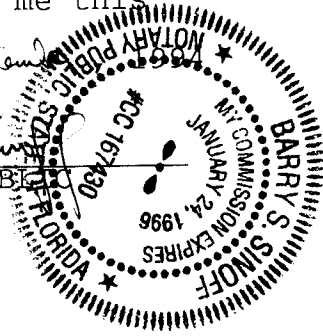
I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
MICHAEL S. DRUCKER, M.D.  
Respondent

Sworn to before me this

5<sup>th</sup> day of September

  
NOTARY PUBLIC



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

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
MICHAEL S. DRUCKER, M.D., : LICENSE  
Respondent :

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The undersigned agree to the attached application of the Respondent to surrender his license.

Date: Sept 9, 1994



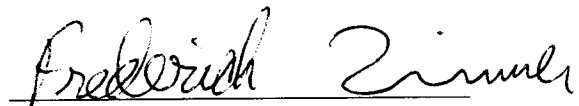
MICHAEL S. DRUCKER, M.D.  
Respondent

Date: September 8, 1994



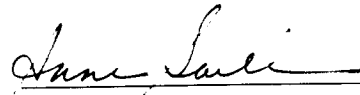
BARRY SINOFF, Esq.  
Attorney for Respondent

Date: September 12, 1994

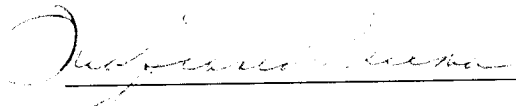


FREDERICK ZIMMER  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: Sept 16, 1994

  
KATHLEEN M. TANNER  
Director, Office of  
Professional Medical Conduct

Date: Sept 21, 1994

  
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

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IN THE MATTER : STATEMENT  
OF : OF  
MICHAEL S. DRUCKER, M.D., : CHARGES

Respondent

-----X

MICHAEL S. DRUCKER, M.D., the Respondent, was authorized to practice medicine in New York State on July 28, 1970 by the issuance of license number 106690 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York State.

FACTUAL ALLEGATIONS

A. The Florida Board of Medicine, Department of Professional Regulation (hereinafter "the Florida Board"), by a Final Order dated August 13, 1990, approved and adopted, with modifications, a Stipulation entered into by the Florida Board and Respondent. Pursuant to the terms of the Final Order, Respondent was, among other things, prohibited from practicing medicine prior to the approval of a monitoring/supervising physician, was fined in the amount of \$5,000, was reprimanded and was placed on probation for a period of 2 years. The terms of probation included, among other things, requirements that Respondent attend 50 hours of continuing medical education, that he perform 50 hours of community service and that quarterly

reports be submitted regarding Respondent's compliance with the terms of probation. The conduct resulting in the Florida disciplinary action included the following;

1. Respondent prescribed a legend drug, inappropriately or in excessive or inappropriate quantities not in the best interests of patients, in that during the period of approximately December 1987 through May 1988 while Respondent was co-owner of the Nicotine Withdrawal Clinic (hereinafter referred to as "Clinic") at 2999 Hartley Road, Jacksonville, Florida, an establishment with the primary purpose of helping clients quit smoking, he prescribed excessive quantities of a prescription drug, Polycitra-K, to patients at the Clinic without a medical history and supporting laboratory data, in violation of Florida Statutes Annotated, Regulation of Professions and Occupations, §458.331(1)(q).
2. Respondent failed to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances in that Respondent prescribed excessive quantities of Polycitra-K, a legend drug, without proper examination of patients, in violation of Florida Statutes Annotated, Regulation of Professions and Occupations,

§458.331(1)(t).

3. Respondent failed to keep written medical records justifying the course of treatment of patients in that his medical records failed to justify the prescription of Polycitra-K, a legend drug, and failed to justify the prescription of excessive quantities of Polycitra-K, without laboratory work documenting the specific need for this supplement, in violation of Florida Statutes Annotated, Regulation of Professions and Occupations, §458.331(1)(m).
4. Respondent aided, assisted, procured or advised unlicensed persons to practice medicine in that he purchased Polycitra-K for dispensing by persons not qualified by training or licensure to do so and in that his protocol directed that Polycitra-K, a legend drug, be dispensed by persons not qualified by licensure to do so, in violation of Florida Statutes Annotated, Regulation of Professions and Occupations, §458.331.(1)(f).
5. Respondent delegated professional responsibilities to a person when he knew or had reason to know that such person was not qualified by training, experience or licensure to perform these responsibilities in that he purchased Polycitra-K, a legend drug, for dispensing by

persons not qualified by training or licensure to do so. Respondent's standing orders and protocol called for the dispensing of Polycitra-K by persons not qualified by training, experience or licensure to dispense this drug, in violation of Florida Statutes Annotated, Department of Professions and Occupations §458.331(1)(w).

6. Respondent failed to supervise adequately the activities of those physician's assistants, emergency medical technicians, or advanced registered nurse practitioners acting under his supervision by allowing them to dispense Polycitra-K, in violation of Florida Statutes Annotated, Regulation of Professions and Occupations §458.331(1)(dd).

B. Respondent admitted that the facts set forth in the administrative complaint which initiated the Florida Board's action against him, would if proven, constitute violations of Chapter 458 Florida Statutes.

C. The conduct resulting in the Florida disciplinary action, would, if committed in New York State, constitute professional misconduct under the following provisions of New York State Law:

1. N.Y. Educ. Law §6530(3) (McKinney Supp. 1994)  
[practicing the profession with negligence on more than

one occasion] as to paragraphs A.1, A.2, A.3 and and/or A.6 above; and/or


2. N.Y. Educ. Law §6530(4) (McKinney Supp. 1994)  
[practicing the profession with gross negligence on a particular occasion] as to paragraphs A.1, A.2, A.3 and/or A.6 above; and/or
3. N.Y. Educ. Law §6530(11) (McKinney Supp. 1994)  
[permitting, aiding or abetting an unlicensed person to perform activities requiring a license] as to paragraphs A.4, A.5 and/or A.6 above; and/or
4. N.Y. Educ. Law §6530(25) (McKinney Supp. 1994)  
[delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, or experience, or by licensure to perform them] as to paragraphs A.4 and/or A.5 above; and/or
5. N.Y. Educ. Law §6530(32) (McKinney Supp. 1994) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient] as to paragraph A.3 above; and/or
6. N.Y. Educ. Law §6530(33) (McKinney Supp. 1994) [failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee] as to paragraph A.6 above; and/or
7. N.Y. Educ. Law §6530(35) (McKinney Supp. 1994) [ordering of excessive treatment not warranted by the condition of the patient] as to paragraphs A.1 and/or A.2 above.

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having had disciplinary action taken against him by the 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 law of New York State, in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) in that the Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5 and/or A.6 and B and C and C.1, C.2, C.3, C.4, C.5, C.6 and/or C.7.

DATED: *July 15,* 1994  
Albany, New York

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