

**These charges are only allegations which  
may be contested by the licensee in an  
Administrative hearing.**

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

IN THE MATTER  
OF  
GWENDOLYN COLE-HOOVER, M.D.

NOTICE  
OF  
HEARING

TO: GWENDOLYN COLE-HOOVER, M.D.  


PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on May 31, 2018, at 10:00 a.m., at the Offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719<sup>1</sup>, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses

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<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the

Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION  
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW  
YORK STATE BE REVOKED OR SUSPENDED, AND/OR  
THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS  
SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a.  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO  
REPRESENT YOU IN THIS MATTER.

DATE: April 17, 2018  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be directed to:

Nathaniel White, Associate Counsel  
Bureau of Professional Medical Conduct  
Division of Legal Affairs  
New York State Department of Health  
Corning Tower, 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

IN THE MATTER  
OF  
GWENDOLYN COLE-HOOVER, M.D.

STATEMENT  
OF  
CHARGES

GWENDOLYN COLE-HOOVER, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 23, 1991 by the issuance of license number 184833 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. New York Public Health Law ("PHL") Article 29-D § 2995-a requires the New York State Department of Health to collect certain information from New York State licensed physicians to create individual profiles on the licensee ("physician profile") in a format to be made available to the public. Beginning on or about November 3, 2008, physicians were required to update their physician profiles within the six months prior to the expiration date of their registration with the New York State Education Department, pursuant to PHL § 2995-a(4). The requirement to update the physician profile information is a condition of registering with the Education Department under Article 131 of the New York State Education Law. Respondent has submitted four registration renewal applications since November 3, 2008, detailed in paragraphs B, D, E and F below. On each occasion, Respondent was required by PHL § 2995-a(4) to update her physician profile within six months of the expiration date of the physician registration period. Respondent, who last updated her physician profile information on or about July 5, 2002, has failed, at least through April 16, 2018, to update her physician profile information as required by PHL § 2995-a.

B. Respondent prepared and/or submitted an online registration renewal application to the New York State Education Department on or about April 5, 2010 for the registration period of May 1, 2010 through April 30, 2012. The preceding registration period was May 1, 2008 through April 30, 2010. Pursuant to PHL § 2995-a(4), Respondent was required to update her physician profile within the six months prior to the April 30, 2010 expiration date of the registration period. Respondent's physician profile has not been updated since on or about July 5, 2002.

C. Beginning on or before November 1, 2011, the New York State Education Department's registration renewal process requires physician registrants to attest, under the penalty of perjury and as a condition of their registration, that they have updated their physician profile information within the six months prior to the expiration date of their registration period, in compliance with PHL § 2995-a(4). Beginning on or before November 1, 2011, physician registrants are also required as part of their registration application to acknowledge that any misrepresentation or any false or misleading information made in connection with their registration renewal application may be cause for disciplinary action against them.

D. Respondent prepared and/or submitted an online registration renewal application to the New York State Education Department on or about March 5, 2012 for the registration period of May 1, 2012 through April 30, 2014. Respondent attested by submitting the application that she had updated her physician profile within six months prior to the expiration of the registration period, in compliance with PHL § 2995-a(4). However, Respondent's physician profile has not been updated since on or about July 5, 2002. Respondent's March 5, 2012 registration renewal application contained a false representation, Respondent knew the statement was false, and Respondent intended to mislead through the false representation.

E. Respondent prepared and/or submitted an online registration renewal application to the New York State Education Department on or about May 5, 2014 for the

registration period of May 1, 2014 through April 30, 2016. Respondent attested by submitting the application that she had updated her physician profile within six months prior to the expiration of the registration period, in compliance with PHL § 2995-a(4). However, Respondent's physician profile has not been updated since on or about July 5, 2002. Respondent's May 5, 2014 registration renewal application contained a false representation, Respondent knew the statement was false, and Respondent intended to mislead through the false representation.

F. Respondent prepared and/or submitted an online registration renewal application to the New York State Education Department on or about June 22, 2016 for the registration period of May 1, 2016 through April 30, 2018. Respondent attested by submitting the application that she had updated her physician profile within six months prior to the expiration of the registration period, in compliance with PHL § 2995-a(4). However, Respondent's physician profile has not been updated since on or about July 5, 2002. Respondent's June 22, 2016 registration renewal application contained a false representation, Respondent knew the statement was false, and Respondent intended to mislead through the false representation.



**SPECIFICATION OF CHARGES**

**FIRST THROUGH THIRD SPECIFICATIONS**

**FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A, C and D;
2. Paragraphs A, C, and E; and/or
3. Paragraphs A, C, and F.

**FOURTH THROUGH SEVENTH SPECIFICATIONS**

**FAILURE TO COMPLY**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(16) by a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine, as alleged in the facts of:

4. Paragraphs A and B;
5. Paragraphs A and D;
6. Paragraphs A and E; and/or
7. Paragraphs A and F.

**EIGHTH THROUGH FOURTEENTH SPECIFICATIONS**

**FAILURE TO FILE A REPORT REQUIRED BY LAW AND/OR WILLFULLY MAKING  
OR FILING A FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

8. Paragraphs A and B (failing to file a report required by law);
9. Paragraphs A and D (failing to file a report required by law);
10. Paragraphs A and E (failing to file a report required by law);
11. Paragraphs A and F (failing to file a report required by law);
12. Paragraphs A, C and D (willfully making or filing a false report);
13. Paragraphs A, C and E (willfully making or filing a false report); and/or
14. Paragraphs A, C and F (willfully making or filing a false report).

DATE: April 17, 2018  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct