



*New York State Board for Professional Medical Conduct*

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

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner of Health*

Charles J. Vacanti, M.D.  
*Chair*

July 18, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Gilbert Nelson Ferris, M.D.  
2101 Shamrock Lane  
Lynn Haven, Florida 32444

RE: License No. 091131  
Effective Date: 07/25/96

Dear Dr. Ferris:

Enclosed please find Order #BPMC 96-170 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,

Charles Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

cc: Blake Hayward, Esq.  
Dennis & Bowman PA  
2367 Centerville Road  
P.O. Box 15589  
Tallahassee, Florida 32317-5589

Joseph Huberty, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
GILBERT NELSON FERRIS, M.D. : BPMC #96-170

-----X

Upon the Application of GILBERT NELSON FERRIS, M.D. to Surrender his 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: 17 July 1996

Charles J. Vacanti

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 TO  
OF : SURRENDER  
GILBERT NELSON FERRIS, M.D. : LICENSE

-----X

STATE OF FLORIDA )  
                  ) ss.:  
COUNTY OF LEON )

GILBERT NELSON FERRIS, M.D., being duly sworn, deposes and says:

On or about September 23, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 091131 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. My address as shown on my last registration with the New York State Education Department is 2101 Shamrock Lane, Lynn Haven, Florida 32444.

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 cannot successfully defend against the allegations set forth in the Statement of Charges annexed hereto.

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 this 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 and that I shall not hereafter apply for a license to practice medicine in the State of New York.

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

  
GILBERT NELSON FERRIS, M.D.  
Respondent

Sworn to before me this  
1 day of July, 1996

  
NOTARY PUBLIC



**MICHELE I. KEY**  
MY COMMISSION # CC483662 EXPIRES  
August 4, 1999  
BONDED THRU TROY FAIN INSURANCE, INC.

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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
GILBERT NELSON FERRIS, M.D. : LICENSE

-----X

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

Date: 7/1, 1996


  
GILBERT NELSON FERRIS, M.D.  
Respondent

Date: July 3, 1996

DENNIS & BOWMAN, P.A.  
Attorneys for Respondent

By Blake Hayward  
BLAKE HAYWARD, ESQ.

Date: July 12, 1996

  
JOSEPH HUBERTY, ESQ.  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: July 11, 1996

Anne Saile

ANNE F. SAILE  
ACTING DIRECTOR  
Office of Professional Medical  
Conduct

Date: 17 July, 1996

Charles J. Vacanti

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 : STATEMENT  
OF : OF  
GILBERT NELSON FERRIS, M.D. : CHARGES

-----X

Respondent, Gilbert Nelson Ferris, M.D. was authorized to practice medicine in the State of New York on September 23, 1963 by the issuance of license number 091131 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department. Respondent's address, as shown on Respondent's last registration with the New York State Education Department is 2101 Shamrock Lane, Lynn Haven, Florida 32444.

**FACTUAL ALLEGATIONS**

A. By Administrative Complaint dated April 24, 1995, the Florida State Agency for Health and Care Administration, Board of Medicine (hereinafter Florida State Board) charged that on at least three separate occasions Respondent improperly aided and allowed an Advanced Registered Nurse Practitioner to use Respondent's Drug Enforcement Administration (DEA) registration number in prescribing controlled substances for a patient that Respondent had never seen or examined.



B. On or about July 7, 1995 Respondent and the Chief Attorney for the Florida State Board entered into a proposed Consent Agreement.

C. By Final Order of the Florida State Board dated September 9, 1995 the aforesaid proposed Consent Agreement was approved and the terms thereof incorporated by reference into the Final Order of the Florida State Board.

By the terms of the aforesaid order the Florida State Board disciplined Respondent in the following manner:

1. The Florida State Board imposed a fine on Respondent in the sum of Fifteen Hundred (\$1,500.00) Dollars.
2. The Florida State Board required that Respondent attend a clinic or seminar entitled "Protecting Your Medical Practice, Clinical, Legal and Ethical Issues in Prescribing Abusable Drugs" sponsored by the South Florida Medical Association and that he attend five (5) hours of Category I Continuing Medical Education courses in Risk Management.
3. That Respondent refrain from the private practice of medicine until:
  - i. He secures an independent certified risk manager to review his medical charts, make appropriate recommendations and file those recommendations with the Florida State Board of Medicine for approval;

- ii. Respondent writes and submits to the Florida State Board, for approval, an article of publishable quality describing the responsibilities of the psychiatrist when entering into and maintaining an Advanced Registered Nurse Practitioner Protocol agreement with a mental health nurse practitioner.

D. Aiding or allowing a nurse practitioner to use a physician's Drug Enforcement Administration (DEA) registration number to prescribe controlled substances for a patient the physician has not seen or examined would, if committed in New York State, constitute the practice of the profession with gross negligence on a particular occasion; and/or permitting, aiding or abetting an unlicensed person to perform activities requiring a license; and/or failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee, all acts of professional misconduct and constituting violations of N.Y. Educ. Law Sec. 6530(4), (11) and/or (33) respectively (McKinney Supp. 1996).


SPECIFICATION OF CHARGES

OTHER STATE DISCIPLINE

Petitioner charges Respondent with professional misconduct in violation of N.Y. Educ. Law Sec. 6530(9)(d) in that Respondent was heretofore disciplined by the authorized professional disciplinary agency of another state where the conduct resulting in that disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs A, B, C, C.1, C.2, C.3(i), C.3(ii) and/or D.

Dated: Albany, New York  
June 17 1996

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