



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**LISA J. PINO, M.A., J.D.**  
Executive Deputy Commissioner

July 24, 2020

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Hannah Moore, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower Building, Room 2512  
Albany, New York 12237

Gordon J. Cuzner, M.D.  
[REDACTED]

Gordon J. Cuzner, M.D.  
[REDACTED]

Gordon J. Cuzner, M.D.  
[REDACTED]

Gordon J. Cuzner, M.D.  
1526 Turquoise Road  
Bullhead City, Arizona 85718

**RE: In the Matter of Gordon J. Cuzner, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 20-186) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

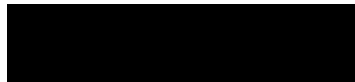
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

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

COPY

-----X  
IN THE MATTER  
OF  
GORDON J. CUZNER, M.D.  
-----X

:  
: DETERMINATION  
: AND  
: ORDER  
: BPMC-20-186  
: X

A hearing was held on July 15, 2020, remotely via WebEx. Pursuant to Public Health Law (PHL) § 230(10)(e), Ronald Uva, M.D., Chairperson, Andrew J. Merritt, M.D., and Janet R. Axelrod, Esq., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Hannah E.C. Moore, Assistant Counsel. A Notice of Referral Proceeding and Statement of Charges dated May 27, 2020 were duly served upon Gordon J. Cuzner, M.D., (Respondent), who did not appear at the hearing.<sup>1</sup>

The Hearing Committee received and examined documents from the Department. (Exhibits 1-6.) The ALJ marked one exhibit into the hearing record. (ALJ Ex. 1.) A stenographic reporter prepared a transcript of the proceeding.

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<sup>1</sup> The Notice of Referral Proceeding stated that the hearing would be held at the offices of the New York State Department of Health in Menands, New York. Due to COVID-19 restrictions, the ALJ sent the Respondent a letter dated July 3, 2020 informing him that the proceedings would commence remotely via WebEx and directed him to contact the Bureau of Adjudication to provide an email address to receive an invitation to join the hearing if he wished to participate. (ALJ Ex. 1.) The Respondent did not contact the Bureau of Adjudication, nor did he appear the Department of Health office in Menands, New York on the day of the hearing.

### BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with one specification of professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

### FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. On April 4, 1980, Gordon J. Cuzner, M.D., the Respondent, was authorized to practice medicine in New York State by issuance of license number 141618. (Ex. 6.)
2. On October 11, 2019, the Respondent entered into an Order for Surrender of License and Consent to the Same (Order) with the Arizona Medical Board. The Order is based on the Arizona Medical Board finding that the Respondent violated a formal order, probation, consent agreement, or stipulation issued or entered into by the Arizona Medical Board. The violation is that the

Respondent failed to successfully complete substance abuse treatment as required by a 2015 Interim Consent Agreement. (Ex. 5.)

3. Pursuant to the terms of the Order, the Respondent desires to retire from the practice of medicine and the Respondent was ordered to surrender his license to practice allopathic medicine in Arizona. (Ex. 5.)

#### VOTE OF THE HEARING COMMITTEE

The Hearing Committee decides, by a vote of 3-0, that the evidence supports sustaining the charge of the Respondent having committed professional misconduct as defined in Educ. Law § 6530(9)(d).

#### HEARING COMMITTEE DETERMINATIONS

The Hearing Committee concludes that the conduct resulting in the disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(8) – "[b]eing a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects...or having a psychiatric condition which impairs the licensee's ability to practice",

Educ. Law § 6530(15) – "[f]ailure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law", and

Educ. Law § 6530(29) – "[v]iolating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law".

The Department has recommended that the Respondent's license to practice medicine in New York State be revoked. Given the serious nature of the findings by the Arizona Medical Board and the Respondent's failure to appear at the hearing to respond to the charges and allegations, the Hearing Committee unanimously agrees with the Department's recommendation.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent's license to practice medicine in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: July 20, 2020  
Albany, New York

  
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Ronald Uva, M.D., Chairperson  
Andrew J. Merritt, M.D.  
Janet R. Axelrod, Esq.

Hannah E.C. Moore  
Assistant Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Gordon J. Cuzner, M.D.  


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Gordon J. Cuzner, M.D.  
1526 Turquoise Road  
Bullhead City, Arizona 85718

APPENDIX I

IN THE MATTER

OF

GORDON J. CUZNER, M.D.

STATEMENT

OF

CHARGES

GORDON J. CUZNER, M.D., the Respondent, was authorized to practice medicine in New York State on or about 04/04/80, by the issuance of license number 141618 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about 10/11/19, Respondent entered into an Order for Surrender of License and Consent to the Same with the Arizona Medical Board (hereinafter "Arizona Board"). That Order found that Respondent violated a formal order, probation, consent agreement or stipulation issued or entered into by the Arizona Board, when Respondent, who admitted to using illegal substances, failed to successfully complete substance abuse treatment as directed in a prior Interim Consent Agreement.

B. The conduct resulting in the Arizona disciplinary action against Respondent and the surrender of Respondent's license, would constitute misconduct under the laws of New York State pursuant to the following section of New York State Law:

1. New York Education Law § 6530(8) (being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice), and/or;
2. New York Education Law § 6530(15) § (failure to comply with an order issued pursuant to subdivision seven, paragraph [a] of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law), and/or;



3. New York Education Law § 6530(29) (violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law).

**SPECIFICATION OF CHARGES**  
**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530[8], [15], [29]) as alleged in the facts of the following:

1. Paragraphs A and B.

DATE: May 27, 2020  
Albany, New York

  
TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct