

**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
MARILYN GATES, M.D.

STATEMENT
OF
CHARGES

Marilyn Gates, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 24, 2016, by the issuance of license number 286260 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 16, 2020, the State of Michigan, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Board of Medicine (hereinafter "Michigan Board") by a Consent Order and Stipulation (hereinafter "Michigan Order"), inter alia, had limited Respondent's license prohibiting Respondent from practicing medicine in the State of Michigan during the period of limitation and fined Respondent \$15,000.00 based on Respondent having negligently performed spinal surgeries (fusions, lumbar laminectomies, and anterior cervical discectomies) on five patients. Respondent performed surgery at the wrong level, or spinal location, resulting in the need for additional surgery or permanent injury. Respondent performed an anterior cervical discectomy on a patient who was not a good candidate for surgery due to advanced age and failed to perform the surgery appropriately.

B. The conduct resulting in the Michigan Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (Practicing the profession with negligence on more than one occasion).
2. New York Education Law §6530(5) (Practicing the profession with incompetence on more than one occasion)

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, in that Petitioner charges:

1. The facts in Paragraphs A and B and B1, and/or A and B and B2.

DATE: April 16, 2021
Albany, New York



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct