

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

IN THE MATTER

OF

GERALD J. GRACIA, M.D.

STATEMENT

OF

CHARGES

GERALD J. GRACIA, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 26, 2012, by the issuance of license number 267318 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 22, 2018, a misdemeanor complaint was filed in the Superior Court of California, County of San Bernardino, Rancho Cucamonga District, whereby the Respondent was charged with three misdemeanor charges including, Count One: Driving While Under the Influence of Alcohol (CA Vehicle Code section 23152[a]), Count Two: Driving With a .08% Blood Alcohol Content (CA Vehicle Code section 23152[b]), and Count Three: Unlicensed Driver (CA Vehicle Code section 12500[a]). On or about June 7, 2019, in the Superior Court of California, County of San Bernardino, Rancho Cucamonga District, the Respondent pled no contest and was convicted of violating California Vehicle Code section 23103(a) – reckless driving with an alcohol consumption advisement, a misdemeanor. The California Superior Court sentenced the Respondent to thirty-six months of probation with a requirement that he enroll and complete an alcohol education program, among other terms of probation, and fined him in the amount of \$1,888.00.

B. The conduct resulting in the California conviction against the Respondent would constitute a crime under the laws of New York State pursuant to the following section of New York law:

1. New York Vehicle and Traffic Law § 1212 (Reckless Driving).

C. On or about August 4, 2021, the Medical Board of California (California Board) issued a Decision and Order that became effective on or about September 3, 2021. The California Board found cause to discipline the Respondent in the form of a public reprimand pursuant to California Business and Professions Code sections 2236(a) and 490, and California Code of Regulations title 16 section 1360. The disciplinary action was based on the California Board's finding that the Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a physician and surgeon - reckless driving with an alcohol consumption advisement (California Vehicle Code section 23103[a]) - among other provisions of California law.

D. The conduct resulting in the California disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following sections of New York law:

1. New York Education Law section 6530(9)(a)(i) and/or (iii).

E. On or about February 12, 2019, Respondent prepared and/or submitted a Registration Application document with the New York State Education Department and answered "No" to the question, "Since your last registration application, are criminal charges pending against you in any court?". At the time the Respondent prepared and/or submitted the Registration Application, a misdemeanor complaint had been filed against the Respondent in California Superior Court on May 22, 2018, charging the Respondent with three misdemeanor counts. The Respondent's failure to disclose his pending criminal charges was a false representation, Respondent knew the

representation was false, and Respondent intended to mislead through the false representation.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**CRIMINAL CONVICTION (Other Jurisdiction)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York State law (namely N.Y. Vehicle and Traffic Law § 1212) as alleged in the facts of the following:

1. Paragraphs A, B and B.1.

**SECOND SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State (namely N.Y. Educ. Law §§ 6530[9][a][i] and/or [iii]) as alleged in the facts of the following:

2. Paragraphs C, D and D.1.

**THIRD SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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[9][a][i] and/or [iii]) as alleged in the facts of the following:

3. Paragraphs C, D and D.1.

**FOURTH SPECIFICATION**

**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:

4. Paragraph E.

DATE: March 29, 2022  
Albany, New York



JEFFREY J. CONKLIN  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct