



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 12, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Roslyn Gardner, D.O.
1600 Parker Avenue
Fort Lee, NJ 07024

RE: License No. 095657

Dear Dr. Gardner:

Enclosed please find Order #BPMC 99-37 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 12, 1999**.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Edward Rogan, Esq.
Rogan & Faugno
125 State Street
Hackensack, NJ 07601

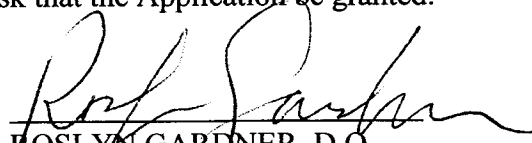
Steven Masef, Esq.

I understand that, in the event that the 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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by First Class Mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

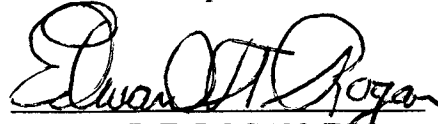
AFFIRMED:


ROSLYN GARDNER, D.O.
RESPONDENT

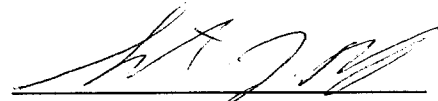
DATED:

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

Date: 1/26/99


EDWARD T. ROGAN, ESQ.
Attorney for Respondent

Date: 2/1/99


STEVEN J. MASEF
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 2/4/99


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

**IN THE MATTER
OF
ROSLYN GARDNER, M.D.**

**SURRENDER
ORDER**

Upon the proposed agreement of ROSLYN GARDNER, D.O. (Respondent) to Surrender license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/8/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

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

IN THE MATTER
OF
ROSLYN GARDNER, D.O.

STATEMENT
OF
CHARGES

ROSLYN GARDNER, D.O., the Respondent, was authorized to practice medicine in New York State on or about September 30, 1965, by the issuance of license number 095657 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between in or about 1985 and 1998 Respondent treated Patient A at her office located at 30-60 Crescent Street, Astoria, N.Y. for Seizure Disorder and other medical conditions associated with injuries purportedly sustained during an automobile accident.
1. On numerous occasions between 1985 and 1998 Respondent failed to properly evaluate, follow-up or treat Patient A's condition and/or properly note such evaluation, follow-up or treatment, if any.
 2. On numerous occasions between 1985 and 1998 Respondent failed to refer Patient A to neurological specialist(s) when Patient A's presenting medical symptoms necessitated such referral(s)..
 3. On numerous occasions Respondent knowingly and intentionally submitted false medical evaluations, bills, invoices, reports to various insurance companies which Respondent knew did not accurately reflect Patient A's medical condition and were submitted for the sole purpose

of obtaining financial benefit.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A, A1 and A2.

SECOND SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1998) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the facts of

2. Paragraphs A and A1.

THIRD SPECIFICATION
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. Paragraphs A and A3.

DATED: November , 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct