



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

September 16, 1999

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marcia E. Kaplan, Esq.  
Associate Counsel  
New York State Department of Health  
5 Penn Plaza - 6th Floor  
New York, New York 10001

Maurice D. Garries, M.D.  
7 Bernard St.  
Hempstead, New York 11550

### **RE: In the Matter of Maurice D. Garries, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No.99-237) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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.

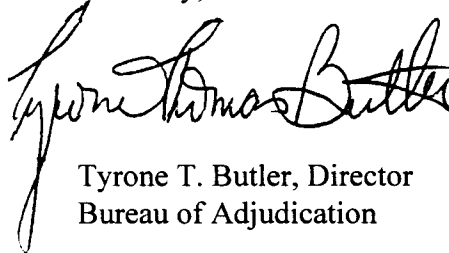
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mla  
Enclosure

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

COPY

IN THE MATTER

OF

MAURICE D. GARRIES, M.D.

DETERMINATION

AND

ORDER

ORDER# 99-237

A Notice of Hearing and a Statement of Charges, dated July 2, 1999, respectively, were served upon the Respondent, Maurice D. Garries, M.D. **SHELDON H. PUTTERMAN, M.D. (Chair), LINDA D. LEWIS, M.D. and ALAN KOPMAN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER, ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Marcia E. Kaplan, Esq., Associate Counsel. The Respondent did not appear in person or by counsel. Evidence was received transcripts of these proceedings were made.

After consideration of the entire record, the Committee issues this Determination and Order.

## **PROCEDURAL HISTORY**

Date of Notice of Hearing and Statement of Charges: July 2, 1999

Dates of Hearing: August 18, 1999

Date of Deliberations: August 18, 1999

## **STATEMENT OF CASE**

The Statement of Charges alleged one specification of professional misconduct on the part of the Respondent, relating to a failure to comply with an agreement entered into to aid his medical education. A copy of the Statement of Charges is attached to this Determination and Order and made a part thereof as Appendix I.

## **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the evidence presented in this matter. Unless otherwise noted by an asterisk, all Findings and Conclusions herein are the unanimous determination of the Committee. Having considered evidence presented by the Department of Health, the Committee hereby makes the following findings of fact.

Conflicting evidence, if any, was considered and rejected in favor of the evidence cited. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. All Findings of Fact made by the Committee were established by at least a preponderance of the evidence

1. MAURICE D. GARRIES, M.D., (hereinafter " Respondent"), was authorized to practice medicine in New York State on or about April 9, 1992, by the issuance of license number 188725 by the New York State Education. (Pet. Exs. 3 and 3A)
  
2. On or about September 10, 1987, the Respondent signed a promissory note with the Health Education Assistance Program, promising to repay a \$6,000.00 loan from that program. (Pet. Ex. 4B)
  
3. On or about September 28, 1988, the Respondent signed a promissory note with the Health Education Assistance Program, promising to repay a \$6,000.00 loan from that program. (Pet. Ex. 4B)
  
4. On or about April 8, 1989, the Respondent signed a promissory note with the Health Education Assistance Program, promising to repay a \$2,340.00 loan from that program. (Pet. Ex. 4B)
  
5. On or about April 4, 1990, the Respondent signed a promissory note with the Health Education Assistance Program, promising to repay a \$13,600.00 loan from that program. (Pet. Ex. 4B)
  
6. As of July 20, 1999, the Respondent had not repaid the loans noted in paragraphs 2-5 above. (Pet. Ex. 4A)
  
7. On or about June 14, 1995, after the Respondent was served and failed to appear, a Judgment and Order in Supreme Court, Nassau County, New York, was entered and filed against the Respondent and in favor of the

Plaintiff, the Student Loan Marketing Association, for \$40,805.44. The Judgment and Order was based on the Respondent's failure to repay his promissory notes. (Pet. Ex. 4B)

## CONCLUSIONS

The following conclusions were made pursuant to the Findings of Fact listed above. The Hearing concluded that the following Factual Allegations were proven by a preponderance of the evidence (the paragraphs noted refer to those set forth in the Statement of Charges, Factual Allegations). The citations in parentheses refer to the Findings of Fact (supra), which support each Factual Allegation:

**Paragraph A:** (2-7).

The Committee further concluded that the single Specification of Failing to Comply with Any Agreement Entered Into to Aid his Medical Education should **be sustained** based on Paragraph A of the Factual Allegations in the Statement of Charges.

## DISCUSSION

Respondent was charged with violating one subdivision of professional misconduct within the meaning of Education Law §6530, namely, Failing to Comply with Any Agreement Entered Into to Aid his Medical Education. The Committee unanimously concluded, by a preponderance of the evidence, that this specification of professional misconduct should be sustained.

The Petitioner's case consisted solely of documentary evidence. This evidence was not refuted and conclusively proved that the Respondent borrowed money for his medical education, agreed to repay this money and failed to keep his promise. The Committee found the Respondent's behavior exhibited a lack of responsibility on his part to live up to his financial obligations. Furthermore his failure to appear in Supreme Court or at the Board's proceeding showed his contempt for the courts of this state and the Board of Professional Medical Conduct. The Committee concluded that the Respondent lacks the requisite ethical and moral character necessary to be a physician.

### DETERMINATION AS TO PENALTY

The Committee, pursuant to the Findings of Fact and Conclusions set forth above, unanimously determined that Respondent's license to practice medicine in New York State should **be revoked**. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The record in this case established the Respondent has failed to fulfill his financial obligations and when given the opportunity to explain this failure has shown at best, a lack of interest. The practice of medicine is a privilege. The Committee concluded that the Respondent does not possess the necessary moral and ethical character to be allowed to practice. The Committee concluded that revocation was necessary in order to insure the safety of the citizens of this state.

**ORDER**

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First Specification of professional misconduct, as set forth in the Statement of Charges (Appendix I, attached hereto and made a part of this Determination and Order) is **SUSTAINED**;

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

DATED: New York, New York

*September 9*, 1999



**SHELDON H. PUTTERMAN, M.D., (Chair)**  
**LINDA D. LEWIS, M.D.**  
**ALAN KOPMAN**

TO: Marcia E. Kaplan, Esq.  
Associate Counsel  
New York State Department of Health  
5 Penn Plaza - 6th Floor  
New York, New York 10001

Maurice D. Garries, M.D.  
7 Bernard St.  
Hempstead, New York 11550



APPENDIX I

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

IN THE MATTER  
OF  
MAURICE D. GARRIES, M.D.

STATEMENT  
OF  
CHARGES

MAURICE D. GARRIES, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 9, 1991, by the issuance of license number 188725 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. Respondent failed to comply with an agreement he made with the Student Loan Marketing Association (Sallie Mae) to repay his Health Assistance Education Loans, which is an agreement he entered into to aid his medical education. Respondent signed promissory notes promising to repay the Health Education Assistance Loan Program for the following student loans: September 10, 1987 (\$6000); September 18, 1988 (\$6000); April 8, 1989 (\$2340); and January 4, 1990 (\$13,600), and failed to repay these loans. On or about June 14, 1995, after Respondent failed to appear or respond, a Judgment and Order was entered and filed against Respondent in the Supreme Court, Nassau County, for \$40,805.44 based upon Respondent's failure to repay the Student Loan Marketing Association upon the promissory notes.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**FAILING TO COMPLY WITH ANY AGREEMENT ENTERED  
INTO TO AID HIS MEDICAL EDUCATION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(42)(McKinney Supp. 1999) by failing to comply with any agreement entered into to aid his medical education, as alleged in the facts of:

1. Paragraph A.

DATED: July 2, 1999  
New York, New York



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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct