



**New York State Board for Professional Medical Conduct**

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

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.  
Chair  
Ansel R. Marks, M.D., J.D.  
Executive Secretary

April 10, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Elmer Gardner, M.D.  
318 Market Street  
PO Box 137  
Brookeville, MD 20833

RE: License No. 077158

Dear Dr. Gardner:

Enclosed please find Order #BPMC 97-87 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

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: Roy Nemerson, Esq.

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

IN THE MATTER  
OF  
ELMER GARDNER, M.D.

SURRENDER  
ORDER  
BPMC #97-87

Upon the Application of ELMER GARDNER, M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

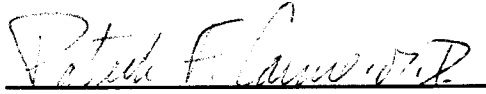
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

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 take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED.

DATED: April 5, 1997

  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson  
State Board for Professional  
Medical Conduct

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

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

APPLICATION TO  
SURRENDER  
LICENSE

STATE OF MARYLAND )  
COUNTY OF ) ss.:

ELMER GARDNER, M.D., being duly sworn, deposes and says:

On or about September 19, 1955, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 077158 by the New York State Education Department.

My current address is 318 Market St., P.O. Box 137, Brookeville, Md. 20833, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specification of misconduct, in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

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.

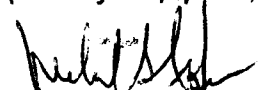
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing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



ELMER GARDNER, M.D.  
Respondent

Sworn to before me this

14<sup>th</sup> day of March, 1997



NOTARY PUBLIC

MICHAEL S. FIEFER  
NOTARY PUBLIC STATE OF MARYLAND  
MY COMMISSION EXPIRES SEPT. 1, 2000

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

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

APPLICATION TO  
SURRENDER  
LICENSE

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

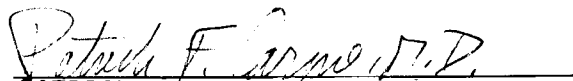
Date: March 24, 1997

  
ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Date: March 26, 1997

  
ANNE F. SAILE  
Director  
Office of Professional Medical Conduct

Date: April 5, 1997

  
PATRICK F. CARONE, M.D., M.P.H.  
Chairperson, State Board for  
Professional Medical Conduct

**EXHIBIT "A"**

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

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

**STATEMENT  
OF  
CHARGES**

ELMER GARDNER, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 19, 1955, by the issuance of license number 077158 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about June 6, 1995, the Board of Physician Quality Assurance of Maryland accepted the surrender of Respondent's license to practice medicine, having opened a case based upon sexual contact between Respondent, a psychiatrist, and his patient.

**SPECIFICATION OF CHARGES**

**SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1997) 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(44)) as alleged in the facts of the following:

1. Paragraph A.

DATED: March , 1997  
New York, New York

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