



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

Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

August 29, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Clyde J. Gwinn, M.D.
Rt. 1 Box 462
Athens, Pennsylvania 18810

RE: License No. 128901

Effective Date: 09/05/95

Dear Dr. Gwinn:

Enclosed please find Order #BPMC 95-191 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Cindy Fascia, Esq.

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

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IN THE MATTER :
OF : ORDER
CLYDE J. GWINN, M.D. : BPMC #95-191

-----X

Upon the Application of CLYDE J. GWINN, M.D. (Respondent) to Surrender his 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: 23 August 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
CLYDE J. GWINN, M.D. : LICENSE

-----X

STATE OF PENNSYLVANIA)

ss.:

COUNTY OF BRADFORD)

CLYDE J. GWINN, M.D., being duly sworn, deposes and says:

On or about October 8, 1976, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 128901 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

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 admit to the charges, in that I was disciplined by the Pennsylvania State Board of Medicine as set forth in Exhibit A.

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.

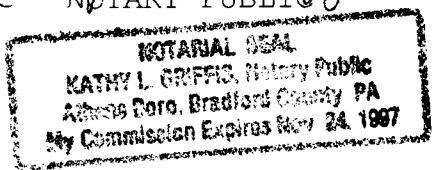
I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Clyde J. Gwinn

CLYDE J. GWINN, M.D.
Respondent

Sworn to before me this
8th day of *August*, 1995

Kathy L. Griffis
NOTARY PUBLIC



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


-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
CLYDE J. GWINN, M.D. : LICENSE

-----X

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


Date: _____, 1995


CLYDE J. GWINN, M.D.
Respondent

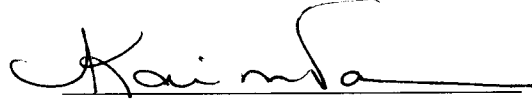
Date: _____, 1995

(Respondent is pro se.)
_____, Esq.
Attorney for Respondent

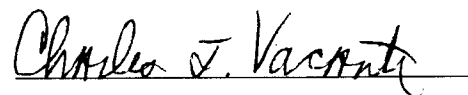
Date: August 18, 1995


CINDY M. FASCIA
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Aug. 22, 1995


KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 23 August, 1995


CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
CLYDE J. GWINN, M.D. : CHARGES

-----X

CLYDE J. GWINN, M.D., the Respondent, was authorized to practice medicine in New York State on October 8, 1976 by the issuance of license number 128901 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent, on or about November 5, 1993, executed a Consent Agreement with the Pennsylvania State Board of medicine. Respondent thereafter entered into a Supplemental Stipulation of Facts with the Pennsylvania Board on or about May 18, 1994, in which Respondent stipulated to facts in addition to those contained in the Consent Agreement.

2. Respondent, in the Consent Agreement, admitted that "during 1987, while he was employed at the J.C. Blair Memorial Hospital, [he] treated four patients below the standard of care required by the profession." Respondent further admitted that based upon these facts, his Pennsylvania medical license was subject to disciplinary action pursuant to Section 41(8) of the

Act, 63 P.S. §422.41(8).

3. Respondent, in the Supplemental Stipulation of Facts, made additional detailed admissions regarding his medical treatment of the four patients in issue.

4. The Pennsylvania Board of Medicine, on or about July 28, 1994, issued an Order adopting and incorporating by reference the Stipulation of Facts, terms and conditions of the Consent Order. In the Board's Order, Respondent was found to be in violation of Section 422.41(8) of the Medical Practice Act, 63 P.S. §422.41(8).

5. Respondent, pursuant to the Order, was publicly reprimanded and ordered to pay a civil penalty of one thousand dollars (\$1,000.00). Respondent was also placed on probation for three years. The terms of Respondent's probation included a requirement that he complete two hundred (200) credits of continuing medical education over the three years of his probation, with at least one hundred and twenty-five hours being Category I Continuing Medical Education.

6. Respondent's conduct upon which the Pennsylvania Board's finding of misconduct was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(3) [practicing with negligence on more than one occasion]; and/or N.Y. Educ. Law §6530(5) [practicing with incompetence on more than one

occasion].

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b), by reason of his 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, in that Petitioner charges:

1. The facts in Paragraphs 1,2,3,4,5 and/or 6.

DATED: *June 19*, 1995
Albany, New York



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct