



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner
NYS Department of Health
Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health
Anne F. Saile, Director
Office 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

October 3, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Scott C. Guth, M.D.
c/o Ruth Guth
137 Foundry Road
Tunbridge, Vermont 05077

RE: License No. 099490

Dear Dr. Guth:

Enclosed please find Order #BPMC 00-271 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 3, 2000.

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: Anthony M. Benigno, Esq.

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

IN THE MATTER
OF
SCOTT C. GUTH, M.D.

APPLICATION TO
: MODIFY ORDER
and
: SURRENDER LICENSE
: BPMC # 00-271

SCOTT C. GUTH, M.D., the Respondent, states that I was authorized to practice medicine in New York State on July 31, 1967, by the issuance of License No.099490 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice in the State of New York. My address is 137 Foundry Road, Tunbridge, VT 05077.

I am the subject to Order No. BPMC 98-98, annexed hereto, made a part hereof, and marked as Exhibit 1. I am applying to the State Board for Professional Medical Conduct for an Order (henceforth "Modification/Surrender Order"), modifying the original order and to surrender my license to practice medicine in the State of New York. This application to modify the prior order is based upon the fact that I do not intend to return to medical practice in the State of New York, and upon the understanding that this modification/surrender order will be a revision of the original order, with the surrender predicated upon the same matter as was the original order. The modification/surrender order to be issued will not constitute a new disciplinary action against me, but will substitute license surrender the for sanction imposed by the original order.

I make this application to the State Board for Professional Medical Conduct

(Board) and request that it be granted.


I understand that, in the event that the application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me.

I make this application to the Board and request that it be granted by execution by the Chairperson of the Board of the attached modification/surrender order. I agree that, in the event the Board 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 Board's granting of this application modify my prior consent order, I fully, freely waive any right I may have to appeal or otherwise challenge the validity of the said modification/surrender order.

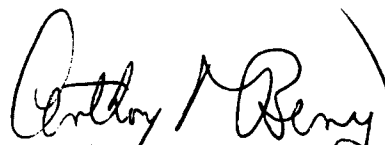
Date:

8-20-00


SCOTT C. GUTH, M.D.
Respondent

The undersigned agree to the attached application of the Respondent to modify the original order and to surrender his license to practice medicine in the State of New York.

Date: 9/25, 2000



ANTHONY M. BENIGNO, ESQ.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 9/27, 2000



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

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

IN THE MATTER : MODIFICATION/
OF : SURRENDER ORDER
SCOTT C. GUTH, M.D. : BPMC #

Upon the application of SCOTT C. GUTH, M.D., (Respondent) to modify a prior order and to surrender his license as a physician in the State of New York, which application is made a part hereof, it is agreed to and

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

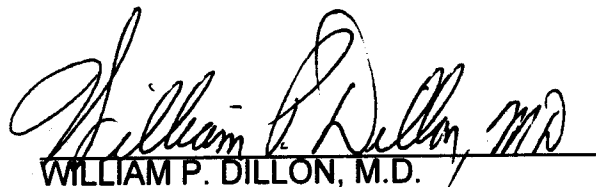
ORDERED, that Order BPMC 98-98 is modified to replace the sanction imposed with the surrender of Respondent's license to practice medicine in the State of New York; it is further

ORDERED, that Respondent's name shall be stricken from the roll of physicians in the State of New York; and 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: 9/29/00



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



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

May 14, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Scott C. Guth, M.D.
c/o Ms. Liz Guth
RR1, Box 107
Tunbridge, VT 05077

RE: License No. 099490

Dear Dr. Guth:

Enclosed please find Order #BPMC 98-98 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 21, 1998**.

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: Peter D. Van Buren, Esq.

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

-----X
IN THE MATTER : CONSENT AGREEMENT
OF : AND
SCOTT C. GUTH, M.D. : ORDER
-----X
BPMC #98-98

SCOTT C. GUTH, M.D., states:

1. I was licensed to practice as a physician in New York State on July 31, 1967 having been issued license number 099490 by the New York State Education Department.
2. I am not currently registered with the New York State Education Department to practice as a physician in New York State. I currently reside at RR#1, Box 107, Tunbridge, Vermont 05077.
3. I understand the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct as set forth in the Statement of Charges annexed hereto, made a part hereof and marked "Exhibit A."
4. I agree not to contest the specification of professional misconduct set forth in the Statement of Charges in full satisfaction of the charges.

5. I hereby agree to the following penalty:

My license to practice medicine shall be permanently limited, pursuant to Public Health Law §230-a, to preclude patient contact and any practice of clinical medicine, publicly or privately.

6. I hereby make this Application to the Board and request that it be granted.

7. I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

8. I agree that in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

Date: 4/29/98

Scott C. Guth, M.D.
SCOTT C. GUTH, M.D.
RESPONDENT

The undersigned agrees to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 5/4/98

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

DATE: May 7, 1998

Anne F. Sale
ANNE F. SALE
Director
Office of Professional Medical
Conduct

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

-----X

IN THE MATTER :
OF : CONSENT
SCOTT C. GUTH, M.D. : ORDER

-----X

Upon the proposed agreement of SCOTT C. GUTH, M.D.
(Respondent) for Consent Order, which Application is made a part
hereof, it is agreed to and

ORDERED, that the Application and the provisions thereof are
hereby adopted and so ORDERED, and 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 by certified mail, whichever is
earliest.

SO ORDERED.

DATED:

May 11, 1998



PATRICK F. CARONE, M.D., M.P.H.
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
SCOTT C. GUTH, M.D. : CHARGES

-----X

SCOTT C. GUTH, M.D., the Respondent, was authorized to practice medicine in New York State on July 31, 1967 by the issuance of license number 099430 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. On or about June 30, 1997, the State of Vermont Board of Medical Practice Approved and Ordered the terms of a Stipulation in Docket Nos. MPN 122-1296, 34-0497, 35-0497, 36,0497 and 37-0497 with respect to license of Scott C. Guth, M.D. In the Stipulation, the Board found that the Respondent's verbal exchanges with Patient A on August 19, 1996, constituted unprofessional conduct because his own mental state adversely affected his competence to render care and treatment , 26 V.S.A. Section 1354(20), and because shouting at and with a psychiatric patient demonstrates care falling short of the care, skill and proficiency which is commonly exercised in similar circumstances by the ordinarily skillful, careful and prudent physician. 26

V.S.A. Section 1354(22). In full resolution of docket no. MPN 122-1296, the parties agreed that Respondent's license to practice medicine was permanently limited to such professional activities as do not involve direct patient care or treatment, privately or publicly. Case Nos. 34-0497, 35-0497, 36-0497 and 37-0497 were dismissed with prejudice. *

FIRST SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(d) by reason of his having disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action involving the license 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 paragraph 1.

DATED: *May 4*, 1998
Albany, New York

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