



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

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

Karen Schimke
Executive Deputy Commissioner

August 27, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ann Hroncich Gayle, Esq.
NYS Department of Health
5 Penn Plaza-Sixth Floor
New York, New York 10001

Neal S. Simon, Esq.
460 West 34th Street
12th Floor
New York, New York 10001

Gerard V. Sunnen, M.D.
200 East 33rd Street
Suite 26 J
New York, New York 10016

RE: In the Matter of Gerard V. Sunnen, M.D.

EFFECTIVE DATE 09/03/96

Dear Ms. Gayle, Mr. Simon and Dr. Sunnen:

Enclosed please find the Determination and Order (No.96-48) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

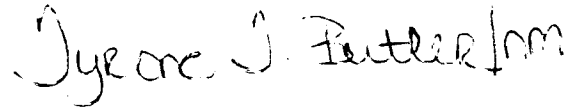
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

Handwritten signature of Tyrone T. Butler in black ink, appearing as "Tyrone T. Butler / nm".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm

Enclosure

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

COPY

IN THE MATTER

OF

GERARD V. SUNNEN, M.D.

Administrative Review from a Determination by a Hearing
Committee on Professional Medical Conduct

ADMINISTRATIVE
REVIEW BOARD
DETERMINATION
AND ORDER
ARB 96-48

A Hearing Committee on Professional Medical Conduct (Committee) determined that the Respondent **GERARD V. SUNNEN** (Respondent) committed professional misconduct by having sexual relationships with two psychiatric patients and the Committee voted to revoke the Respondent's New York medical license. The Respondent has requested that the Administrative Review Board for Professional Medical Conduct (Board) review and overturn that Determination, pursuant to New York Public Health Law (PHL) §230-c(4)(a) (McKinney's Supp. 1996). The Office of Professional Medical Conduct (Petitioner) has asked that the Board modify the Committee's penalty and impose a fine in addition to the Committee's penalty. Board members **ROBERT M. BRIBER, WINSTON S. PRICE, M.D. SUMNER SHAPIRO, EDWARD C. SINNOTT, M.D. and WILLIAM A. STEWART, M.D.** participated in this case. Administrative Law Judge **JAMES F. HORAN** served as the Board's Administrative Officer. The Board sustains the Committee's Determination in part, but we find the Respondent guilty on additional misconduct specifications. The Board sustains the Committee's Determination revoking the Respondent's license, but we vote to impose a civil penalty amounting to Twenty Thousand Dollars (\$20,000.00).

ANN HRONCICH GAYLE, ESQ. represented the Petitioner.

NEAL S. SIMON, ESQ. represented the Respondent.

REVIEW PROCEDURAL HISTORY

The Hearing Committee rendered their Determination on March 13, 1996. On March 22, 1996, the Board received the Respondent's Notice requesting a review. The Notice stayed the Hearing Committee's penalty automatically, pending the Board's final Determination (PHL §230-c(4)(a)). The review record contained the Hearing Committee Determination, the hearing transcript, hearing exhibits and the parties' briefs and/or reply briefs. The Board received the Respondent's brief on April 24, 1996, the Petitioner's brief on April 26, 1996, and the Petitioner's reply brief on May 3, 1996.

The Board conducted deliberations in this review on May 17, 1996. Dr. Stewart participated in the deliberations by telephone.

HEARING COMMITTEE DETERMINATION

The Petitioner charged that the Respondent, a psychiatrist, with violating the New York Education Law, by committing professional misconduct under the following categories:

1. practicing medicine with negligence on more than one occasion, Educ. Law §6530(3)(McKinney Supp. 1996);
2. practicing medicine with gross negligence, Educ. Law §6530(4)(McKinney Supp. 1996);
3. practicing medicine fraudulently, Educ. Law §6530(2)(McKinney Supp. 1996);
4. engaging in sexual conduct with a patient, Educ. Law §6530(44)(McKinney Supp. 1996);
5. engaging in conduct which evidences moral unfitness, Educ. Law §6530(20);
6. willfully harassing, abusing or intimidating a patient, Educ. Law §6530(31)(McKinney Supp. 1996); and,
7. failing to maintain accurate records, Educ. Law §6530(32).

The charges involved the Respondent's conduct toward two patients. The Record refers to patients as A and B, to protect their privacy.

These members from the State Board for Professional Medical Conduct, **BENJAMIN WAINFELD, M.D.**, **HENRY PINSKER, M.D.** and **NANCY MACINTYRE, RN, Ph.D.**, comprised the Hearing Committee. Administrative Law Judge **NANCY M. LEDERMAN** served as the Committee's Administrative Officer.

The Committee determined that the Respondent practiced with negligence on more than one occasion, engaged in sexual conduct with two patients, practiced medicine with moral unfitness and failed to maintain adequate records. The Committee rejected the charges that the Respondent practiced with gross negligence or fraud. In reaching their Determination, the Committee found testimony from Patient A, Patient B and Patient B's father to be generally credible. The Committee found testimony by both the Respondent's expert Dr. Graham and the Petitioner's expert Dr. Casals-Ariet to be credible. The Committee found that the Respondent was not credible.

The Committee found that the Respondent treated Patient A from August, 1986 to August, 1989. The Committee found that the Respondent and Patient A engaged in sexual relations from January, 1989 through the summer of 1989. The Committee also found that the Respondent had informed Patient A that the sexual relations would enhance therapy. The Committee found that the Respondent treated Patient B from October, 1985 to May, 1991 and that the Respondent and Patient B engaged in sexual relations from approximately 1986 to 1990.

In addition to their findings concerning the sexual relationships, the Hearing Committee also found that the Respondent had prescribed medications improperly for both Patient A and Patient B. As to Patient A, the Committee found that:

- the Respondent prescribed Valium and Fastin over three years;
- the Respondent advised the patient not to fill the prescription in the same drug store each week;
- the Respondent prescribed Xanax for Patient A;
- the Respondent prescribed the drugs to Patient A and provided Patient A with alcohol to consume, and consumed alcohol with the Patient;
- Valium and Xanax are addictive and dangerous when overused or combined with alcohol;
- Fastin is addictive and is dangerous if used with alcohol;
- the Respondent failed to assist Patient A, to cease taking Valium and other drugs or refer the Patient to another health care provider, despite her request that he do so; and,
- the Respondent failed to recognize that Patient A appeared at the Respondent's office on various occasions under the influence after taking too many drugs.

As to Patient B, the Committee found that:

- the Respondent prescribed Xanax, Halcion and other drugs from 1985-1991;
- during the period the Respondent and Patient B consumed alcohol together;
- Halcion and Xanax are potentially addictive and dangerous if overused or used in combination with alcohol;
- Patient B's condition deteriorated in 1989 or 1990;
- Respondent failed to assist Patient B in ceasing to take drugs or referring her to another physician, despite Patient B's request.

The Committee concluded that the Respondent demonstrated a inexcusable lack of insight and judgment and that he willfully disregarded basic fundamentals for prescribing medications, in a manner that demonstrated a cavalier disregard for appropriate medical standards. The Committee also concluded that the Respondent violated the trust from two vulnerable patients flagrantly and blatantly, by exploiting the patients severely for his sexual gratification and leaving both patients in worse condition than they were when they sought the Respondent's care. The Committee concluded that the Respondent's blatant abuse against his license privileges, for his own satisfaction, warranted revoking the Respondent's license. The Committee stated that the Respondent's license should be revoked based independently upon each misconduct specification.

ISSUES FOR REVIEW

The Respondent asks that the Board vacate the Hearing Committee's Determination. The Respondent's brief raised four points for review.

- POINT I - The Committee's Administrative Officer violated due process by failing to recuse Committee member Pinsker for bias.
- POINT II - The Committee committed reversible error by refusing to receive the Respondent's relevant, competent and material evidence.
- POINT III - The evidence before the Hearing Committee did not support their decision to sustain the charges against Dr. Sunnen. The Respondent's brief on this point discusses only the Committee's findings on the sexual relationships with Patients A and B and the medical records for Patient A. The Respondent did not challenge the Committee's findings on inappropriate prescribing for Patients A and B, or on the medical record for Patient B.
- POINT IV - Even if the Respondent violated the legal standards governing his conduct, the Committee imposed an unduly harsh penalty, which the Board must modify. The Respondent's discussion on the penalty again involved the sexual misconduct findings and did not address the findings on inappropriate prescribing.

The Petitioner raises three issues on review.

- A. The Committee should have sustained the charges that the Respondent's sexual relationships with Patients A and B, and his blatant disregard for his patient's well being constitute gross negligence.
- B. The Committee should have sustained the charge that the Respondent committed fraud by prescribing drugs for reasons not in good faith medical practice and not for legitimate medical purpose.

- C. The Respondent's conduct warrants not only license revocation, but also a Ten Thousand Dollar (\$10,000.00) civil penalty against the Respondent for each patient case.

THE BOARD'S REVIEW AUTHORITY

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration. Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

The Review Board may substitute our judgement for that of the Hearing Committee, in deciding upon a penalty Matter of Bogdan 195 AD 2d 86, 606 NYS 2d 381 (Third Dept. 1993), in determining guilt on the charges, Matter of Spartalis 205 AD 2d 940, 613 NYS 2d 759 (Third Dept. 1994), and on issues of credibility Matter of Minielly __AD 2d __, 634 NYS 2d 856, 1995 N.Y. App. Div. LEXIS 12692 (Third Dept. 1995).

REVIEW BOARD DETERMINATION

The Review Board has considered the record from the hearing, the Committee's Determination and the parties' briefs. 1). We deny the request that we vacate the Committee's Determination on the procedural grounds which the Respondent's brief raises in Point I and II. We find no reason to remand to the Hearing Committee on these issues either. 2). We sustain the Committee's Determination that the Respondent practiced medicine with negligence on more than one occasion and with moral unfitness, that he willfully harassed, abused or intimidated Patients A and B and that he had sexual relations with Patients A and B during the Patients' psychiatric treatment. The Board overturns the Hearing Committee's finding on the gross negligence and fraud charges. The Board finds that the

record also demonstrates that the Respondent's conduct toward Patients A and B constituted practicing with gross negligence and with practicing fraudulently. 3). The Review Board sustains the Hearing Committee's Determination revoking the Respondent's license to practice medicine. We increase the Committee's sanction and we impose a Twenty Thousand Dollar (\$20,000.00) Civil Penalty.

1) DETERMINATION ON PROCEDURAL ISSUES

We reject the Respondent's contention that the Committee's Administrative Officer denied the Respondent due process by failing to recuse Dr. Pinsker from the Hearing Committee for bias. The Respondent failed to demonstrate that bias existed. A mere allegation of bias is not sufficient to demonstrate prejudice, Matter of Kabnick, __AD 2d__, 636 NYS 2d 980, 1996 N.Y. App. Div. LEXIS 582 (Third Dept. 1996). Dr. Pinsker denied the Respondent's allegations that Dr. Pinsker had a prior acrimonious relationship with the Respondent. The Respondent also failed to show how bias affected the Committee's Determination, Matter of Moss, 209 AD 2d 889, 618 NYS 2d 931, 1994 N.Y. App. Div. LEXIS 11636 (Third Dept. 1994). The Board finds nothing in the hearing record or in the Committee's Determination to demonstrate that bias affected the Committee's Determination.

The Board rejects the Respondent's request that we vacate the Committee's Determination, because the Committee refused to receive certain evidence from the Respondent. This matter is a procedural issue for the courts and is outside the Board's authority. The Board does have the authority to remand a matter to the Committee for further proceedings under Public Health Law §230-c(4)(b). The Board finds no reason to remand this proceeding.

2) DETERMINATION ON THE RESPONDENT'S GUILT

The Review Board sustains the Committee's Determination that the Respondent:

- practiced with negligence on more than one occasion, in violation of Education Law §6530(3);
- engaged in sexual conduct with two psychiatric patients in violation of Education Law §6530(44);
- committed moral unfitness in medical practice in violation of Education Law §6530(20);

- willfully harassed or abused two patients in violation of Education Law §6530(31), and
- failed to maintain accurate records for two patients in violation of Education Law §6530(32).

The Committee Determination on the charges is consistent with their findings and conclusions and the records support those Committee's findings and conclusions, except for Finding of Fact (FF) A12, which we discuss below. The Board finds that the Committee's findings and conclusions and the record, also support and are consistent with a determination that the Respondent:

- practiced with gross negligence, in violation of Education Law §6530(4), and
- practiced fraudulently, in violation of Education Law §6530(2).

We overrule the Committee's ruling to the contrary. We discuss our review in greater detail below, with emphasis on the additional charges that we sustain and in reference to the Respondent's challenge to the Committee's findings about the sexual relationships with Patients A and B and the record for Patient A.

SEXUAL RELATIONSHIP/PATIENT A: We reject the Respondent's contention that the record fails to support the Committee's finding, that the Respondent engaged in a sexual relationship with Patient A during treatment and that the Respondent told Patient A that the sexual relationship would enhance therapy. Patient A testified that she and the Respondent began a sexual relationship in January, 1989, during her treatment, and that the Respondent informed her that the activity would enhance therapy. The Committee found the Patient credible and rejected the Respondent's contradictory testimony. The Committee, as fact finder, acted properly in assessing credibility and rejecting contradictory evidence.

We also reject the Respondent's contention that we must vacate the findings on Patient A because FF A12 and A16 are inconsistent. FF A12 states:

"On several occasions from approximately November, 1988 to August, 1989, Respondent went to Patient A's home, ate, drank alcohol, engaged in sexual activity with Patient A, and provided Patient A with various prescriptions and refills."

Similar wording appears in Factual Allegation A.1.e. in the Statement of Charges (Petitioner Exhibit 1). The Committee's FF A12 serves to sustain Allegation A.1.e. Committee FF A16 states:

"From approximately January, 1989 through the summer of 1989, Respondent engaged in sexual relations with Patient A."

Similar wording appears in Factual Allegation A.2.a. The Committee's FF A16 serves to sustain Allegation A.2.a.

The Review Board finds that FF 12 and 16 are contradictory, but we see no reason to vacate the findings when we correct the problem by amending FF 12. Patient B testified her sexual relationship with the Respondent began in January, 1989 (Tr. pp. 56-57). That testimony supports FF 16, and contradicts the portion of FF 12 that indicates that the relationship began in November, 1988. The record, however, supports the remaining portion of FF 12 which found that the Respondent began going to Patient A's home in November, 1988 to eat, drink alcohol and provide Patient A with various prescription refills. Those refills included prescriptions for Valium and Fastin (Petitioner Exs 9 and 11). The Board amends the Committee FF A12 to remove the phrase: "engaged in sexual activity with Patient A" The Board concludes that the Amended FF A12 sustains Allegation A.1.e., except as to the portion alleging sexual activity beginning in November, 1988.

SEXUAL RELATIONSHIP/PATIENT B: The Board rejects the Respondent's contention that the evidence indicates that the Respondent and Patient B had a sexual relationship only after the Respondent ceased treating the Patient. The Committee found that the Respondent treated Patient B from 1985 to 1991 and that the Respondent and Patient B had a sexual relationship from 1986 to 1990. The Respondent admitted he prescribed medication for the Respondent during the sexual relationship, but he claimed that he was then her boyfriend and not her treating physician. The Board rejects that contention. The Committee found that a psychiatrist-patient relationship exists whether the treatment is psychotherapy or psychopharmacology, and, that writing prescriptions involves diagnosis and treatment (General FF 5). We conclude that, aside from all the other evidence supporting the allegations, that the Respondent's admission alone, to prescribing medication to Patient B during their sexual relationship, proved the allegations that the Respondent had sexual contact with a patient.

ACCURATE RECORD/PATIENT A: The Respondent testified he maintained a record for Patient A and the record was missing from his office. The Respondent's brief argues that there was no contradictory testimony to indicate that he failed to maintain a record. The Board finds that evidence does contradict the Respondent's testimony.

Education Law §6530(32)(McKinney Supp. 1996) defines misconduct as failing to maintain a record for each patient which accurately reflects his evaluation and treatment of the patient. The Respondent testified under oath, in a previous proceeding, that his record for Patient A comprised three pages containing a few notations about medication prescribed, commentaries on side effects and general strategy to decrease medication over time, which he prepared in August 1986, and to which he added very short, succinct notes about medications and their side effects, when he wrote the medications (Petitioner Ex. 6, pp. 10-11). The Petitioner's expert Dr. Casals-Ariet testified that the record the Respondent described in that prior testimony did not meet the minimum standard of care required by the community with regard to recordkeeping (Tr. p. 440). The Board finds that this evidence proves the charge that the Respondent failed to maintain an accurate record for Patient A, in violation of Education Law §6530(32).

GROSS NEGLIGENCE: The Board finds that the Hearing Committee Findings of Fact support a determination that the Respondent committed acts of negligence of egregious proportions, in treating both Patients A and B, through his sexual relationship with the Patients and through prescribing medications to the Patients inappropriately and without justification. Although the Committee stated at one point that they found no egregious conduct, they stated in their Penalty discussion that the Respondent:

- demonstrated an inexcusable lack of insight;
- willfully disregarded basic fundamentals for prescribing medications in a way that demonstrated a cavalier disregard of appropriate standards;
- blatantly and flagrantly violated the trust that two vulnerable patients placed in him;
- exploited the patients severely for sexual gratification; and
- blatantly abused his license privilege in a dangerous manner.

These conclusions by the Committee lead to the Determination that the Respondent practiced medicine with gross negligence in treating Patients A and B, in violation of Education Law §6530(4).

FRAUD: The Board concludes that the Committee's findings support the Determination that the Respondent committed fraud in prescribing medications for Patients A and B and for his misrepresentation to Patient A, in violation of Education Law §6530(2).

The Statement of Charges alleged that the Respondent had committed fraud by informing Patient A that sexual relations with the Respondent would enhance therapy (Petitioner Ex. 1, Factual Allegation A.2.b., Fourth Specification of Misconduct). The Hearing Committee found that the Respondent had informed Patient A, during the course of their sexual relationship, that the relationship would enhance, improve or make therapy better (FF A 17, Conclusion A2). The Hearing Committee concluded (Conclusion of Law A3), however, that the Respondent did not make false representations within the meaning of Education Law §6530(2). The Board finds the Committee's Determination on that charge inconsistent with the Committee's findings. The Board infers from the surrounding circumstances that the Respondent made a knowing misrepresentation to Patient A, that sexual conduct with the therapist would enhance therapy. This conduct constitutes fraud in violation of Education Law §6530(2).

The Board finds that the Respondent committed fraud again by prescribing medications for Patients A and B for other than proper medical purposes. The Board infers that the Respondent prescribed for improper purposes based upon several Committee findings. The Committee found that the Respondent instructed Patient A to fill her prescriptions at different drug stores each week (FF A7). The Board infers that the Respondent knew he was prescribing inappropriately and feared detection. The Respondent continued Patient A on all medications she was taking when she began treatment with the Respondent (FF A6), rather than determining whether the Patient was on the medication appropriately. Patient B's chart revealed no planned treatment course (FF B3) and the Respondent continued to prescribe for Patient B after he referred her to another physician (FF B8). These findings indicate that the prescribing was for other than legitimate reasons. The Respondent engaged in sexual relations with both patients (FF A16, B4, B5) and consumed alcohol with the Patients, after prescribing medications that were dangerous when consumed with alcohol (FF A11, A12, B9, General FF2, FF3). The Board can infer from these findings that the Respondent provided medication to the Patients to enhance his opportunity to commence and continue sexual relationships.

C. PENALTY

REVOCAION: The Review Board sustains the Hearing Committee Determination to revoke the Respondent's New York medical license. The Committee's Determination is consistent with the Committee's findings and with the conclusions that appear in the penalty discussion at pages 20-21 in the Committee Determination and Order. The Board finds that:

- The Committee's findings that the Respondent had a sexual relationship during treatment with a vulnerable patient, Patient A, warrants revocation of the Respondent's license on that ground alone;
- The Committee's findings that the Respondent had a sexual relationship during treatment with a vulnerable patient, Patient B, warrants revoking the Respondent's license on that ground alone;
- The Committee's findings that the Respondent prescribed medication for Patient A in an inappropriate, dangerous and fraudulent manner justifies revoking the Respondent's license on that ground alone;
- The Committee's finding that the Respondent prescribed medication to Patient B in an inappropriate, dangerous and fraudulent manner warrants revoking the Respondent's license on that ground alone.

FINE: The Review Board finds that the Respondent's reprehensible conduct towards Patients A and B requires a sanction in addition to revocation. Public Health Law §230-a(7) permits the Board to impose a fine not to exceed Ten Thousand Dollars (\$10,000.00) on each Specification of Charges, except if Specifications are based upon the same underlying factual findings, Matter of Colvin, 211 AD2d 854, 625 NYS2d 351, 1995 N.Y. App. Div. LEXIS 4402 (Third Dept. 1995). The Board votes to fine the Respondent Ten Thousand Dollars (\$10,000.00) for his conduct toward Patient A and we vote to fine the Respondent Ten Thousand Dollars (\$10,000.00) for his conduct toward Patient B.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **SUSTAINS** the Hearing Committee March 13, 1996 Determination finding the Respondent guilty of negligence on more than one occasion, having sexual contact with a patient during psychiatric treatment, moral unfitness in the practice of medicine, willfully harassing or abusing a patient and failing to maintain accurate patient records.
2. The Review Board **MODIFIES** the Committee Determination by amending Finding of Fact A 12 on Page 7 of the Committee's Determination and Conclusion A. 1 on Page 8.
3. The Review Board **OVERRULES** the Hearing Committee Determination that found no cause to sustain the charges that the Respondent committed fraud in practicing or gross negligence in practicing medicine.
4. The Review Board **SUSTAINS** the charges that the Respondent practiced medicine fraudulently.
5. The Review Board **SUSTAINS** the charges that the Respondent practiced medicine with gross negligence.
6. The Review Board **SUSTAINS** the Committee's Determination to revoke the Respondent's New York medical license.
7. The Board **MODIFIES** the Committee's penalty, by adding an additional sanction.
8. The Review Board **FINES** the Respondent Twenty Thousand Dollars (\$20,000.00).

- 9 This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or be certified or registered mail.

- 10 Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32).

ROBERT M. BRIBER

SUMNER SHAPIRO

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

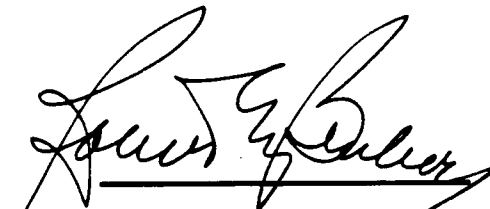
WILLIAM A. STEWART, M.D.

IN THE MATTER OF GERARD V. SUNNEN, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Sunnen.

DATED: Schenectady, New York

Aug 9, 1996

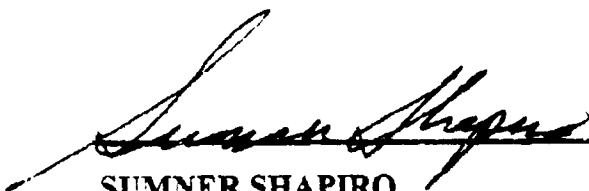

ROBERT M. BRIBER

IN THE MATTER OF GERARD V. SUNNEN, M.D.

SUMNER SHAPIRO, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Sunnen.

DATED: Delmar, New York

Aug 5, 1996


SUMNER SHAPIRO

IN THE MATTER OF GERARD V. SUNNEN, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr Sunnen.

DATED: Brooklyn, New York

8/8, 1996



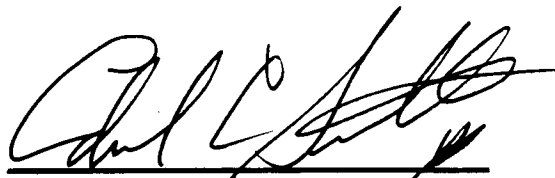
WINSTON S. PRICE, M.D.

IN THE MATTER OF GERARD V. SUNNEN, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Sunnen.

DATED: Roslyn, New York

July 31, 1996

A handwritten signature in black ink, appearing to read "Edward C. Sinnott", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF GERARD V. SUNNEN, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Sunnen

DATED: Syracuse, New York

31 July, 1996



WILLIAM A. STEWART, M.D.