



**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*

October 8, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Gordon H. Zuerndorfer, M.D.  
2924 Bethany Place  
Clearwater, Florida 33759

RE: License No. 159077

Dear Dr. Zuerndorfer:

Enclosed please find Order #BPMC 98-240 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 8, 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 1315  
Empire State Plaza  
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Richard J. Zahnleuter, Esq.  
52 Redfield Park  
Clifton Park, New York 12065-1672

William B. Taylor, IV, Esq.  
MacFarlane, Ferguson & McMullen  
PO Box 1531  
Tampa, Florida 33601

Bradley C. Mohr, Esq.

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

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IN THE MATTER : CONSENT  
OF : AGREEMENT  
GORDON HOWARD ZUERNDORFER, M.D. : AND ORDER  
: BPMC # 98-240  
-----X

STATE OF NEW YORK )  
COUNTY OF RENSSELAER )

GORDON HOWARD ZUERNDORFER, M.D., deposes and says:

That on or about July 16, 1984, I was licensed to practice as a physician in the State of New York, having been issued license number 159077 by the New York State Education Department.

My current address is 2626 Tampa Road, Palm Harbor, Florida, 34684, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that 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 as Exhibit A.

I do not contest the specification, in full satisfaction of the charges against me. I hereby agree to the following penalty: Payment of a fine of \$2,500 to be paid within 60 days of the effective date of this Order, and full compliance with all terms of Final Order Number DOH-97-0482 of the State of Florida Board of Medicine in Case Number 94-05666 filed

December 30, 1997.

I understand that any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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 §5001; Executive Law §32).

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until all terms of this Order have been complied with fully. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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

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.

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. I agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

  
GORDON HOWARD ZUERNDORFER, M.D.  
RESPONDENT

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

DATE: Sept 16 1998

William E. Taylor IV  
WILLIAM E. TAYLOR IV, ESQ.  
Attorney for Respondent

September 16, 1998

Richard J. Zahnleuter  
RICHARD J. ZAHNLEUTER, ATTORNEY  
FOR RESPONDENT

DATE: Sept. 16 1998

Bradley Mohr  
BRADLEY MOHR  
Senior Attorney  
Bureau of Professional  
Medical Conduct

DATE: September 29 1998

Anne F. Smile  
ANNE F. SMILE  
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  
GORDON HOWARD ZUERNDORFER, M.D. : ORDER

-----X

Upon the proposed agreement of GORDON HOWARD ZUERNDORFER, 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 be effective as of the date of the personal service of this order upon Respondent, upon mailing of this order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: Oct. 2, 1998

*Patrick F. Carone, M.D.*  
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  
GORDON HOWARD ZUERNDORFER, M.D. : CHARGES  
-----X

GORDON HOWARD ZUERNDORFER, M.D., the Respondent, was authorized to practice medicine in New York State on July 16, 1984, by the issuance of license number 159077 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

1. Respondent, was disciplined by the State of Florida, Agency For Health Care Administration, Board of Medicine, by Final Order dated December 29, 1997, which adopted and incorporated a Consent Agreement entered into by Respondent with modifications. The Consent Order dated November 6, 1997, was incorporated by reference into the Final Order in AHCA Case No. 94-05666. The disciplinary action consisted of: a fine of \$5,000; a Quality Assurance Review and Assessment by a Risk Manager; and completion of twenty hours of Continuing Medical Education (CME) in the area of total hip replacements to be completed within one year.

EXHIBIT "A"

2. The conduct which the disciplinary action was based upon consisted of: repeated acts of malpractice on one patient involving a failure to adequately assess the patient's condition; failure to appropriately diagnose the patient's condition; failure to adopt a conservative plan of treatment prior to hip replacement surgery; misinterpretation of the patient's symptoms; failure to order an MRI or CT scan; and failure to maintain an appropriate medical record. The conduct resulting in the disciplinary action, would if committed in New York State, constitute professional misconduct under New York State Education Law (NYSED), namely §6530(2) (negligence on more than one occasion) and (5) (incompetence on more than one occasion).

### SPECIFICATIONS


#### FIRST SPECIFICATION

#### DISCIPLINARY ACTION IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York State Education Law §6530(9)(d), in that, he had a disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would if committed in New York State, constitute professional misconduct under the laws of New York State, NYSED §6530(2) (negligence on more than one occasion) and/or §6530(5) (incompetence on more than one occasion), in that Petitioner charges:

1. The facts of paragraphs 1 and/or 2.

DATED: July **28**, 1998  
Albany, New York

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