



New York State Board for Professional Medical Conduct

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

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Office of Professional Medical Conduct

Ansel R. Marks, M.D., J.D.
Executive Secretary

January 17, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Stephen

Steven Guthrie, M.D.
39 B Cleveland Avenue
Mineola, NY 11501

RE: License No. 215954

Dear Dr. Guthrie:

Enclosed please find Order #BPMC 02-7 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect January 17, 2002.

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 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is stylized and cursive.

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

Enclosure

cc: Kevin D. Porter, Esq.
Thurm and heller
261 Madison Avenue
New York, NY 10016

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

**IN THE MATTER
OF
STEPHEN GUTHRIE, M.D.**

**CONSENT
ORDER**

BPMC No. 02-7

Upon the application of (Respondent) **STEPHEN GUTHRIE, M.D.** in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

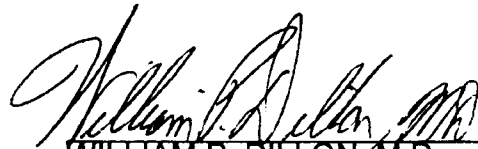
ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 1/15/02



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

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

**IN THE MATTER
OF
STEPHEN GUTHRIE, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

STEPHEN GUTHRIE, M.D., representing that all of the following statements are true, deposes and says:

That on or about October 4, 1999, I was licensed to practice as a physician in the State of New York, and issued License No. 215954 by the New York State Education Department.

My current address is in 239B Cleveland Avenue, Mineola, New York 11501, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with Six Specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to the First through Sixth specifications, in full satisfaction of the charges against me, and agree to the following penalty:

My license to practice medicine in New York State shall be suspended for a period of 3 years, with the suspension stayed, with 3 years probation, provided I comply with the terms of probation set forth in Exhibit "B", attached hereto, which Terms include monitoring for impairment from the practice of medicine; and

I shall pay a Five Thousand Dollar fine (\$5,000.00)

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 12/27/01


STEPHEN GUTHRIE, M.D.
RESPONDENT


The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 12/27/01



KEVIN D. PORTER, ESQ.
Attorney for Respondent

DATE: 1/02/02



MICHAEL A. HISER, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 1/08/02



DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
3. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
4. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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 section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and Respondent's staff at practice locations or OPMC offices.
7. Respondent shall maintain complete, legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8.

Unless otherwise specified herein, the fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

9. Respondent shall remain drug/alcohol free.
10. Respondent shall remain active in self help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
11. Respondent shall notify all treating physicians of his/her history of alcohol/chemical dependency. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
12. Respondent shall practice only when monitored by qualified health care professional monitors (sobriety monitor, practice supervisor, and therapist) proposed by Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.
13. Respondent shall ensure that the monitors are familiar with Respondent's drug/alcohol dependency and with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.
14. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.
15. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than 6 times per month for the first 12 months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g., AA/NA/Caduceus, etc.), 12 step progress, etc.
16. Respondent shall practice medicine only when supervised in his/her medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice

medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.

17. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.
18. Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice, including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.
19. Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines is necessary, or for the period of time dictated in the Order.
20. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within 24 hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.
21. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
22. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

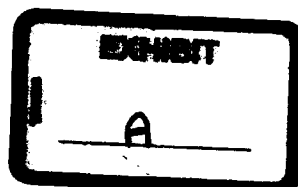
IN THE MATTER
OF
STEPHEN GUTHRIE, M.D.

STATEMENT
OF
CHARGES

STEPHEN GUTHRIE, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 4, 1999, by the issuance of license number 215954 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, on or about May 9, 1999, was injured while jogging near his home in Martinsville, Virginia. His injuries included a subdural hematoma necessitating a craniotomy. Respondent, then 54 years old, was severely intoxicated at the time of the fall, with blood alcohol content of 0.34. Thereafter, and prior to May 20, 1999, Respondent voluntarily relinquished his privileges at Memorial Hospital of Martinsville and Henry County, Virginia.
- B. Respondent, from on or about May 13, 1999 through August 11, 1999, received medical treatment for chemical dependency at the William J. Farley Center at Williamsburg Place, Williamsburg, Virginia ("Farley Center"). Respondent's chief complaint on admission was that he was "an alcoholic". His admission diagnosis included "Alcohol Dependence". His discharge diagnosis included "Alcohol Dependence, in early full remission".
- C. Respondent, while a patient at the Farley Center, lived in a recovery residence



with other recovering addicts and participated daily in the therapeutic community. He was involved in intensive individual and small group psychotherapy, as well as attending group education pertaining to Twelve Steps, relapse prevention, coping skills training, and addiction, among others. He also attended NA [Narcotics Anonymous] /AA [Alcoholics Anonymous] meetings daily as well as Caduceus once a week. His condition at discharge, according to the Farley Center, was that he "will need to be closely monitored by VMI [Virginia Monitoring, Inc.] and New York PHP [i.e., Committee for Physician's Health] upon discharge.

D. Respondent, in an application for employment to the Nassau County Medical Center Healthcare System (Application for Medical Staff Appointment) dated and signed by the Respondent May 20, 1999, inaccurately and falsely answered "No" to the following question:

15. Are you currently addicted to illegal drugs and/or alcohol?

In fact, Respondent was even then being treated at the Farley Center for self admitted alcohol addiction, and Respondent knew such facts.

E. Respondent, in an application for employment to the Nassau County Medical Center Healthcare System (Application for Medical Staff Appointment) dated and signed by the Respondent May 20, 1999, inaccurately and falsely answered "No" to the following question:

16. Are you habituated or addicted to the use of alcohol or any other drug or substance that will affect your ability to treat and/or render professional care to patients coming under your responsibility?

In fact, Respondent was even then being treated at the Farley Center for self

admitted alcohol addiction, and Respondent knew such facts.

F. Respondent, in an application for employment to the Nassau County Medical Center Healthcare System (Application for Medical Staff Appointment) dated and signed by the Respondent May 20, 1999, inaccurately and falsely answered "No" to the following question:

17. Have you had or is there any existing physical or mental health condition that would effect your ability to satisfactorily treat and/or render professional care to patients under your responsibility?

In fact, Respondent was even then being treated at the Farley Center for self admitted alcohol addiction, and Respondent knew such facts.

G. Respondent, in an application for employment to the Nassau County Medical Center Healthcare System (Application for Medical Staff Appointment) dated and signed by the Respondent May 20, 1999, inaccurately and falsely answered "No" to the following question:

8. Have you voluntarily relinquished privileges in any hospital or health related facility?

In fact, Respondent had voluntarily relinquished his privileges at the Memorial Hospital of Martinsville and Henry county in Virginia just a few days before, and Respondent knew such facts.

H. Respondent, by letter dated July 12, 1999, responded to a request from Gerald Mondschein, M.D., the Chair of the Credentials Committee of the Nassau Community Medical Center, for "clarification (the type of leave/health reasons)" for the Respondent's being on leave from his hospital staff. Respondent's

response purported to "clarify [his] current medical status, as you have requested." Respondent failed to advise Dr. Mondschein of any aspect of his then on-going treatment for alcoholism at the Farley Center.

I. Respondent, by Order dated and signed on February 24, 1999, was found by the Virginia Board of Medicine to have been in violation of Virginia Code Statutes Sections 54.1-2915.A(3), as further defined in Section 54.1-2914.A(14) and Sections 54.1-2914B and 54.1-3302. The substance of the charge was that Respondent had sold tretinoin, a Schedule VI controlled substance, and he was not licensed by the Virginia Board of Pharmacy to sell controlled substances. Respondent was fined One Thousand Dollars, and a violation of the Order would constitute grounds for the revocation of the Respondent's medical license. On or about April 29, 1999, Respondent paid the \$1,000.00 fine.

J. Respondent, in an application for employment to the Nassau County Medical Center Healthcare System (Application for Medical Staff Appointment) dated and signed by the Respondent May 20, 1999, inaccurately and falsely answered "No" to the following question:

18. Have you had or are there any pending sanctions or restrictions of privileges imposed on you by any health related facility, professional health care organization, or licensing authority?


In fact, Respondent had been sanctioned by the Virginian Board of Medicine, a licensing authority, on February 24, 1999, and Respondent knew such fact.

SPECIFICATION OF CHARGES
FIRST THROUGH SIXTH SPECIFICATIONS
FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

1. The facts in Paragraphs A - D.
2. The facts in Paragraphs A - C, and E.
3. The facts in Paragraphs A - C, and F.
4. The facts in Paragraph A and G.
5. The facts in Paragraphs H.
6. The facts in Paragraphs I and J.

DATED: January 2, 2002
Albany, New York


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