

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

December 5, 1990

Gary F. Cohen Physician
515 Route 111
Smithtown, N.Y. 11787

Re: License No. 124391

Dear Dr. Cohen:

Enclosed please find Commissioner's Order No. 11416. This Order and the penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. Your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

You may, pursuant to Rule 24.7 (b) of the Rules of the Board of Regents, a copy of which is attached, apply for restoration of your license after one year has elapsed from the effective date of the Order and the penalty; but said application is not granted automatically.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

GUSTAVE MARTINE
Supervisor

RECEIVED

DEC 11 1990

Office of Professional
Medical Control

DHJ/GM/er

CERTIFIED MAIL - RRR

cc: Robert Sale, Esq.
Sale, Groothuis & Hirsch
64 Hilton Avenue
Hempstead, N.Y. 11550

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
GARY F. COHEN, M.D. : LICENSE

STATE OF NEW YORK)
 ss.:
COUNTY OF SUFFOLK)

GARY F. COHEN, M.D., being duly sworn, deposes and says:

On or about July 2, 1975, I was licensed to practice as a physician in the State of New York having been issued License No. 124391 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period beginning January 1, 1989 and ending December 31, 1991 from 515 Route 111, Smithtown, New York 11787.

I understand that I have been charged with three Specifications 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 Board of Regents for permission to surrender my license as a physician in the State of New York on the grounds that I admit all of the factual allegations

contained in Paragraph A of the Statement of Charges, and admit guilt to the First Specification, in full satisfaction of the charges.

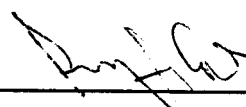
I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that the application is not granted by the Board of Regents, 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 of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that, in the event the Board of Regents grants my application, an order of the Commissioner of Education may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

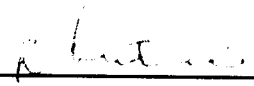
I further agree that the order of the Commissioner shall include a provision that I shall not apply for the restoration of my license until at least one (1) year has elapsed from the effective date of the service of such order. I understand that such application is not automatically granted but may be granted or denied.

No promises of any kind were made 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.



GARY F. COHEN, M.D.
Respondent

Sworn to before me this
15 day of August, 1990



NOTARY PUBLIC


ROBERT SALE
Notary Public, State of New York
30
Qualified in Westchester County
Commission Expires 12/31/91

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
GARY F. COHEN, M.D. : LICENSE


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

Date: August 15, 1990



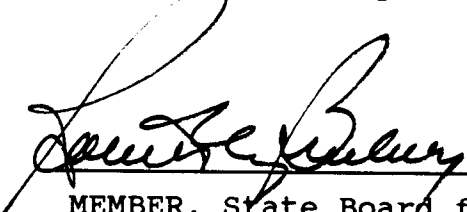
GARY F. COHEN, M.D.
Respondent

Date: August 17, 1990



ROBERT SALE, Esq.
Attorney for Respondent

Date: October 2, 1990



MEMBER, State Board for
Professional Medical Conduct

Date: Oct. 1, 1990

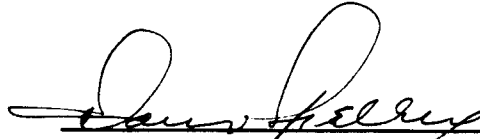


KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

GARY F. COHEN, M.D.

The undersigned has reviewed and agrees to the attached application to surrender license.

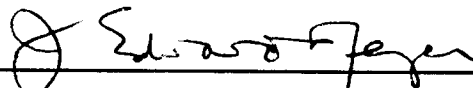
Date: October 1, 1990



DAVID AXELROD, M.D.
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this application to surrender license, has reviewed the attached application to surrender license and recommends to the Board of Regents that the application be granted.

Date: Oct. 24, 1990



MEMBER OF THE BOARD OF REGENTS

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
GARY F. COHEN, M.D. : CHARGES

-----X

GARY F. COHEN, M.D., the Respondent, was authorized to practice medicine in New York State on July 2, 1975 by the issuance of license number 124391 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 and ending December 31, 1991, from 515 Route 111, Smithtown, New York 11787.

FACTUAL ALLEGATIONS

A. On or about June 8, 1988, at Respondent's medical/pediatric office at 515 Route 111, Smithtown, New York, in the course of his medical examination of patient S.S., a boy he knew to be less than 14 years old, Respondent knowingly and intentionally manipulated the boy's genitals in a manner that was not consistent with medical practice. Respondent's touching of Patient S.S. was for the purpose of Respondent's sexual gratification.

SPECIFICATIONS

FIRST SPECIFICATION

FRAUDULENT PRACTICE

The Respondent is charged with practicing the profession fraudulently within the meaning of N.Y. Educ. Law, Section 6509(2) (McKinney 1985), in that Petitioner charges:

1. The facts in Paragraphs A.

SECOND SPECIFICATION

MORAL UNFITNESS

The Respondent is charged with committing unprofessional conduct within the meaning of N.Y. Educ. Law Section 6509(9) (McKinney 1985), and 8 NYCRR 29.1(b)(5) (1987) by engaging in conduct in the practice of medicine which evidences moral unfitness to practice the profession, in that Petitioner charges:

2. The facts in Paragraphs A.

THIRD SPECIFICATION

WILLFULLY ABUSING A PATIENT

The Respondent is charged with committing unprofessional conduct within the meaning of N.Y. Educ. Law Section 6509(9) (McKinney 1985), and 8 NYCRR 29.2(a)(2) (1989) by willfully abusing a patient either physically or verbally, in that Petitioner charges:

3. The facts in Paragraphs A.

DATED: New York, New York

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

**ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK**

GARY F. COHEN

CALENDAR NO. 11416



The University of the State of New York

IN THE MATTER

OF

GARY F. COHEN
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 11416

Upon the application of GARY F. COHEN, under Calendar No. 11416, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (November 16, 1990): That the application of GARY F. COHEN, respondent, for permission to surrender respondent's license to practice as a physician in the State of New York be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as the application and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that respondent may not apply for the restoration of said license until at least one (1) year has elapsed from the effective date of the service of this order, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

GARY F. COHEN (11416)

IN WITNESS WHEREOF, I, Thomas Sobol,
Commissioner of Education of the State of
New York, for and on behalf of the State
Education Department and the Board of
Regents, do hereunto set my hand and affix
the seal of the State Education Department,
at the City of Albany, this 28th day of
November, 1990.

Thomas Sobol
Commissioner of Education