

Nirav R. Shah, M.D., M.P.H.  
Commissioner

**NEW YORK**  
state department of  
**HEALTH**

Public

Sue Kelly  
Executive Deputy Commissioner

March 9, 2012

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Gregory J. VanDyke, M.D.

REDACTED ADDRESS

Re: License No. 189020

Dear Dr. VanDyke:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 10-257. This order and any penalty provided therein goes into effect March 16, 2012.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED SIGNATURE

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

**IN THE MATTER**  
**OF**  
**GREGORY J. VANDYKE, M.D.**

**MODIFICATION**  
**ORDER**

Upon the proposed Application for a Modification Order of **GREGORY J. VANDYKE, M.D.**, (Respondent), that is made a part of this Modification Order, it is agreed and

ORDERED, that the attached Application and its terms are adopted and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either by mailing, by first class mail, a copy of the Modification Order to Respondent at the address in the attached Application or by certified mail to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 3/9/2012

REDACTED SIGNATURE

KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**  
**OF**  
**GREGORY J. VANDYKE, M.D.**

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**APPLICATION FOR**  
**MODIFICATION ORDER**

**GREGORY J. VANDYKE, M.D.**, (Respondent) being duly sworn deposes and says:

That on or about May 29, 1992, I was licensed to practice medicine in the State of New York, having been issued license number 189020 by the New York State Education Department.

My current address is REDACTED ADDRESS

I am currently subject to Consent Order BPMC 10-257, (hereinafter "Original Order"), annexed hereto, made a part, hereof, and marked as Exhibit 1, that was effective on December 8, 2010.

I apply, hereby, therefore, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to replace the penalty of continued registration with the New York State Education Department in the Original Order with the following penalty:

I agree that I will be precluded from the issuance of a medical license in New York state and shall not apply for the issuance of a medical license in New York state (Limitation on any further license pursuant to Public Health Law Section 230-a[6]).

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I stipulate that the proposed sanction and Modification Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the

anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I agree that if the Board adopts this Modification Order, the Chair of the Board shall issue a Modification Order in accordance with its terms. I agree that this Modification Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Modification Order by first class mail to me at the address in this Modification Order, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Modification Order, this Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

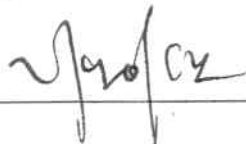
I agree to be bound by the Modification Order, and I ask that the Board to adopt this Consent Agreement.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance of the Board of this Application, I knowingly waive the right to contest the Original Order or the Modification Order for which I apply, both administratively and judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Bureau of Professional Medical Conduct, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion to either enter into the proposed Agreement and Modification Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: \_\_\_\_\_



REDACTED SIGNATURE \_\_\_\_\_

GREGORY J. VANDYKE, M.D.  
Respondent

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

DATE: March 5, 2012

REDACTED SIGNATURE

JOEL E. ABELOVE

Associate Counsel

Bureau of Professional Medical Conduct

DATE: 3/8/12

REDACTED SIGNATURE

KEITH W. SERVIS

Director

Office of Professional Medical Conduct

# Exhibit 1

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

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IN THE MATTER  
OF  
GREGORY JOHN VAN DYKE, M.D.

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CONSENT  
ORDER  
BPMC No. #10-257

Upon the application of **GREGORY JOHN VAN DYKE, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

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

ORDERED, that this Consent 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 or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 12/1/10

REDACTED SIGNATURE

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KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER

OF

GREGORY JOHN VAN DYKE, M.D.  
CO-09-07-4389-A

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CONSENT

AGREEMENT

GREGORY JOHN VAN DYKE, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about May 29, 1992, I was licensed to practice medicine in the State of New York and issued license number 189020 by the New York State Education Department.

My current address is REDACTED ADDRESS, and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one (1) Specification of professional misconduct.

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

I do not contest the one (1) Specification, and agree to the following sanction:

Censure and Reprimand;

Respondent shall pay a \$1,000.00 fine, to be paid within thirty (30) days of the effective date of the Consent Order to the NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Corning Tower, Room 1717, Albany, NY 12237-0016.

Respondent shall comply fully with the June 19, 2009, Stipulated Settlement and Disciplinary Order, issued by the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, and any extensions or modifications thereof.

Respondent shall provide a written authorization for the California Board to provide the Director of the Office of Professional Medical Conduct (OPMC) with any/all



information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the California Order.

Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the California Order during the declaration period specified.

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

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the effective date of the Consent Order and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the OPMC in its administration and enforcement of the Consent 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 Consent Agreement. Respondent shall meet with a person designated by the Director, 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 the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent 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 New York 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 the Consent 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 or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. 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, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 10/16/10

REDACTED SIGNATURE

GREGORY JOHN VAN DYKE, M.D.  
Respondent

10/16/10

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

DATE: November 18, 2010

REDACTED SIGNATURE

JOEL E. ABELove  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 11/24/10

REDACTED SIGNATURE

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

## EXHIBIT A

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

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IN THE MATTER  
OF  
GREGORY JOHN VAN DYKE, M.D.  
CO-09-07-4389-A

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STATEMENT  
OF  
CHARGES

GREGORY JOHN VAN DYKE, M.D., Respondent, was authorized to practice medicine in New York state on May 29, 1992, by the issuance of license number 189020 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about June 19, 2009, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Stipulated Settlement and Disciplinary Order (hereinafter "California Order"), Publicly Reprimanded Respondent's license to practice medicine, required him to successfully complete a prescribing practices course and a medical record keeping course, based on inadequate and inaccurate medical records, and failing to document the reasons for prescribing to a patient dangerous drugs in accordance with the standards of practice in the medical community.

B. The conduct resulting in the California Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530 (3) (negligence on more than one occasion);  
and/or
2. New York Education Law §6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

DATED: *October 6*, 2010  
Albany, New York

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