



Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

June 17, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

George A. Cuttita, M.D.  
428 Moe Road  
Clifton Park, New York 12065

RE: License No. 080875

Effective Date: 06/24/93

Dear Dr. Cuttita:

Enclosed please find Order #BPMC 93-87 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Mr. Neil S. Weiner, Esq.  
41 State Street  
Albany, New York 12207-2835

Jeffrey Armon, Esq.

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

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IN THE MATTER :

OF :

GEORGE A. CUTTITA, M.D. :

ORDER

BPMC 93-87

-----X

Upon the Application of GEORGE A. CUTTITA, M.D.  
(Respondent) to Surrender his license as a physician in the State  
of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof  
are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from  
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the  
restoration of Respondent's license until at least one year has  
elapsed from the effective date 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 Respondent, upon  
receipt by Respondent of this order via certified mail, or seven  
days after mailing of this order via certified mail, whichever is  
earliest.

SO ORDERED,

DATED:

14 June 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.

Chairperson

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

GEORGE A. CUTTITA, M.D.

: APPLICATION TO

: SURRENDER

: LICENSE  
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STATE OF NEW YORK )  
                                  ss. :  
COUNTY OF SARATOGA)

GEORGE A. CUTTITA, M.D., being duly sworn, deposes and says:

On or about July 15, 1958, I was licensed to practice as a physician in the State of New York having been issued License No. 080875 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice medicine in the State of New York. My current address is 428 Moe Road, Clifton Park, New York 12065

I understand that I have been charged with Thirteen 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 State Board for Professional Medical Conduct (the Board) for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specifications of professional misconduct as set

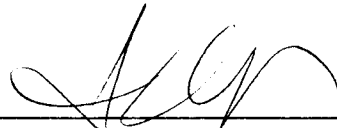
forth in Exhibit "A" of this Application. Nothing contained herein shall be construed as an admission of guilt to any such specification.

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

I understand that, in the event that the 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, an order of the Chairperson of the Board may be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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.



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GEORGE A. CUTTITA, M.D.  
Respondent

Sworn to before me this  
22<sup>nd</sup> day of *May*, 1993



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NOTARY PUBLIC

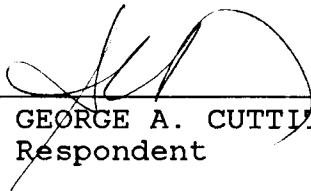
**NEIL S. WEINER**  
Notary Public, State of New York  
Qualified in Saratoga County  
No. 4631636  
My Commission Expires April 30, 19<sup>94</sup>

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

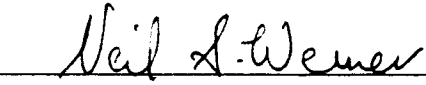
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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
GEORGE A. CUTTITA, M.D. : LICENSE  
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The undersigned agree to the attached application of the Respondent to surrender license.

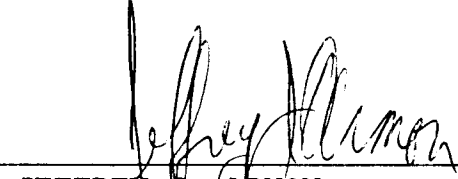
Date: May 22, 1993

  
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GEORGE A. CUTTITA, M.D.  
Respondent

Date: May 22, 1993

  
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NEIL S. WEINER, ESQ.  
Attorney for Respondent

Date: June 7, 1993

  
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JEFFREY J. ARMON  
Assistant Counsel

Date: 14 June, 1993

Charles J. Vacanti  
CHARLES J. VACANTI, M.D.  
Chairperson, State Board for  
Professional Medical Conduct

Date: 16 June 1993

for Anne Sullivan  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

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

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IN THE MATTER : STATEMENT  
OF : OF  
GEORGE A. CUTTITA, M.D. : CHARGES  
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GEORGE A. CUTTITA, M.D., the Respondent, was authorized to practice medicine in New York State on July 15, 1958 by the issuance of license number 080875 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, 1991 through December 31, 1992 from 428 Moe Road, Clifton Park, New York 12065.

FACTUAL ALLEGATIONS

A. Respondent, at various times from approximately September, 1973 through approximately September, 1983 provided psychiatric care to Patient A (patients are identified in Appendix A) at Respondent's offices at 502 McClellan Street, Schenectady, New York and 15 Woodlawn Avenue, Albany, New York (hereinafter "his offices").

1. Respondent, on several occasions in the period of 1974 through 1975 during the course of Patient A's



appointments at his offices, had alcohol on his breath and spoke and walked in an intoxicated manner.

2. Respondent, on numerous occasions during the period of 1974 through 1977, during the course of Patient A's appointments at his offices, engaged in physical contact of a sexual nature with Patient A, including fondling her genital area and breasts through her clothing.
3. Respondent, on numerous occasions during the period of 1974 through 1977, during the course of Patient A's appointments at his offices, engaged in physical conduct of a sexual nature by kissing Patient A against her expressed desires.
4. Respondent, on numerous occasions during the period of 1974 through 1977 during the course of Patient A's appointments at his offices made requests that Patient A engage in sexual intercourse with him.

B. Respondent, at various times from approximately June, 1973 through approximately February, 1974, provided psychiatric care to Patient B at his office. Respondent and Patient B periodically corresponded or met to discuss her progress during the period of 1974 through 1976. In November, 1976 Patient B met Respondent in his office at 15 Woodlawn Avenue, Albany, New York to discuss the availability of an apartment for her to rent. During this meeting, Respondent engaged in the following conduct:

1. Respondent stated to Patient B that their physician-patient relationship had ended and that, as a result, physical conduct of a sexual nature would be permissible.
2. Respondent opened and/or removed Patient B's clothing, including her sweater, blouse, skirt and stockings, against her expressed desires.

3. Respondent engaged in physical contact of a sexual nature with Patient B following the removal and/or opening of her clothing, including kissing her and fondling and rubbing her breasts and genital areas.
4. Respondent opened his pants and took Patient B's hands and placed them on his penis.

### SPECIFICATION OF CHARGES

#### FIRST THROUGH SIXTH SPECIFICATIONS

##### CONDUCT EVIDENCING MORAL UNFITNESS

Respondent is charged with professional misconduct under N.Y. Education Law §6530(20) (McKinney Supp. 1992), formerly N.Y. Education Law §6509(9), 8NYCRR 60.1(d)(7) and 8NYCRR 29.1(9)(5), by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine in that  
Petitioner charges:

1. The facts in Paragraphs A and A.2.
2. The facts in Paragraphs A and A.3.
3. The facts in Paragraphs A and A.4.
4. The facts in Paragraphs B and B.2.
5. The facts in Paragraphs B and B.3.
6. The facts in Paragraphs B and B.4.

#### SEVENTH THROUGH EIGHTH SPECIFICATIONS

##### PRACTICING WITH GROSS NEGLIGENCE

Respondent is charged with professional misconduct under N.Y. Education Law §6530(4) (McKinney Supp. 1992), formerly N.Y. Education Law §6509(2), by reason of his practicing the profession of medicine with gross negligence, in that Petitioner charges:

7. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.
8. The facts in Paragraphs B and B.1, B and B.2, B and B.3 and/or B and B.4.

NINTH THROUGH TENTH SPECIFICATIONS

PRACTICING WITH GROSS INCOMPETENCE

Respondent is charged with professional misconduct under N.Y. Education Law §6530(6) (McKinney Supp. 1992), formerly N.Y. Education Law §6509(2), by reason of his practicing the profession of medicine with gross incompetence, in that Petitioner charges:

9. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.
10. The facts in Paragraphs B and B.1, B and B.2, B and B.3 and/or B and B.4.

ELEVENTH SPECIFICATION

PRACTICING WITH NEGLIGENCE ON REPEATED  
OR MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(3) (McKinney Supp. 1992), formerly N.Y. Education Law §6509(2), by reason of his practicing the profession of medicine with negligence on repeated or more than one occasion in that Petitioner charges that Respondent committed at least two of the following:

11. The facts contained in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, B and B.3, and/or B and B.4.

TWELFTH SPECIFICATION

PRACTICING WITH INCOMPETENCE ON  
MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(5) (McKinney Supp. 1992), formerly N.Y. Education Law §6509(2), by reason of his practicing the profession of medicine with incompetence on more than one occasion in that Petitioner charges that Respondent committed two or more of the following:

12. The facts contained in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, B and B.1, B and B.2, B and B.3, and/or B and B.4.

THIRTEENTH SPECIFICATION


PRACTICING THE PROFESSION WHILE IMPAIRED

Respondent is charged with professional misconduct under N.Y. Education Law §6530(7) (McKinney Supp. 1992) formerly N.Y. Education Law §6509(3), by reason of his practice of medicine while impaired by alcohol in that Petitioner charges:

13. The facts in Paragraph A and A.1.

DATED: Albany, New York

*June 7, 1993*

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