

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

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IN THE MATTER  
OF  
STEPHEN GAWRONSKI, M.D.  
CO-11-09-4961-A

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COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: Stephen Gawronski, M.D.  
REDACTED

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **STEPHEN GAWRONSKI, M.D.**, Respondent, licensed to practice medicine in the State of New York on May 16, 1980, by license number 142133, has been convicted of committing an act constituting a felony under New York state law, in the County Court, Erie County, New York, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **STEPHEN GAWRONSKI, M.D.**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

**ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S  
ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED  
BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 14th day of June, 2012, at 10:30 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five

days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR  
SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER  
SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a.  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN  
THIS MATTER.**

DATED: Albany, New York  
*Apr 23*, 2012

REDACTED

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NIRAV R. SHAH, M.D., M.P.H.  
Commissioner of Health  
New York State Department of Health

Inquires should be addressed to:

Jude B. Mulvey  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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IN THE MATTER  
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STATEMENT  
OF  
CHARGES

STEPHEN GAWRONSKI, M.D., Respondent, was authorized to practice medicine in New York state on or about May 16, 1980, by the issuance of license number 142133 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 26, 2011, in Erie County Court, Erie County, New York, Respondent was convicted of Driving While Intoxicated, a felony, in violation of New York Vehicle and Traffic Law § 1192-3, 1993(1)(c)(ii), and Aggravated Unlicensed Operation Of A Motor Vehicle in the First Degree, a felony, in violation of New York Vehicle and Traffic Law § 511(3)(a)(i). Respondent was sentenced, among others, to five years probation, a \$2,000 fine and his motor vehicle license was revoked.

B. On or about March 7, 2006 in Amherst Town Court, Erie County, New York, Respondent was convicted of Driving While Intoxicated, a misdemeanor, in violation of New York Vehicle and Traffic Law § 1192(3). Respondent was sentenced, among others, to a \$500 fine, \$190 court surcharge and a revocation of his motor vehicle license for a minimum of six (6) months.

C. On or about August 19, 2004, in Amherst Town Court, Erie County, New York, Respondent was convicted of Driving While Intoxicated, a misdemeanor, in violation of New York Vehicle and Traffic Law § 1192(3). Respondent was sentenced, among others, to a \$500 fine, \$190 court surcharge and revocation of his motor vehicle license.

D. Respondent, on or about May 17, 2005, submitted a Registration Renewal to the New York State Education Department, Division of Professional Licensing Services, for renewal

of his registration of his New York State medical license for the period July 1, 2005 through June 30, 2007.

1. Respondent, in response to the question "Since your last registration application, [h]ave you been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court?", answered "No" when, in fact, Respondent was convicted of Driving While Intoxicated, a misdemeanor, in violation of New York Vehicle and Traffic Law § 1192(3) on August 24, 2004 in Amherst Town Court, Erie County, New York and Respondent knew such facts.

E. Respondent, on or about May 23, 2007, submitted a Registration Renewal to the New York State Education Department, Division of Professional Licensing Services, for renewal of his registration of his New York state medical license for the period July 1, 2007 through June 30, 2009.

1. Respondent, in response to the question "Since your last registration application, [h]ave you been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court?" answered "No" when, in fact, Respondent was convicted of Driving While Intoxicated, a misdemeanor, in violation of New York Vehicle and Traffic Law § 1192(3) on March 7, 2006 in Amherst Town Court, Erie County, New York, and Respondent knew such facts.

F. Respondent, on or about February 7, 2011, submitted a Registration Renewal to the New York State Education Department, Division of Professional Licensing Services, for renewal of his registration of his New York state Medical license for the period July 1, 2011 through June 30, 2013.

1. Respondent, in response to the question "Have you been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court?"
  - a. Respondent answered "no" to this question when, in fact, Respondent was convicted of Driving While Intoxicated, a felony, in violation of New York Vehicle and Traffic Law §§ 1192(3) and 1993(1)(c)(ii) and Aggravated Unlicensed Operation Of A Motor Vehicle In the First Degree, a felony, in violation of New York Vehicle and Traffic Law § 511(3)(a)(i) in Erie County Court, Erie County, New York on or about January 26, 2011 and Respondent knew such facts.
  - b. Respondent answered "no" to this question when, in fact, Respondent was convicted of Driving While Intoxicated, a misdemeanor, in violation of New York Vehicle and Traffic Law § 1192(3) in Amherst Town Court, Erie County on or about March 7, 2006 and Respondent knew such facts.
  - c. Respondent answered "no" to this question when, in fact, Respondent was convicted of Driving While Intoxicated, a misdemeanor, in violation of New York Vehicle and Traffic Law § 1192(3) in Amherst Town Court, Erie County on or about August 19, 2004 and Respondent knew such facts.

**SPECIFICATIONS OF MISCONDUCT**  
**FIRST THROUGH THIRD SPECIFICATIONS**  
**CRIMINAL CONVICTIONS**

Respondent violated New York Education Law Section 6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A;
2. The facts in Paragraph B; and/or
3. The facts in Paragraph C.

**FOURTH THROUGH SIXTH SPECIFICATIONS**  
**FRAUDULENT PRACTICE**

Respondent is charged with professional misconduct under New York Education Law § 6530(2) by reason of having practiced medicine fraudulently in that Petitioner charges:

4. The facts in Paragraphs D and D.1;
5. The facts in Paragraphs E and E.1; and/or
6. The facts in Paragraphs F and F.1, F and F.2 and/or F and F.3.

**SEVENTH THROUGH NINTH SPECIFICATIONS**  
**FILING A FALSE REPORT**

Respondent is charged with professional misconduct under New York Education Law § 6530(21) by reason of his having made or filed a false report, in that Petitioner charges:

7. The facts in Paragraphs D and D.1;
8. The facts in Paragraphs E and E.1; and/or
9. The facts in Paragraphs F and F.1, F and F.2 and/or F and F.3.

DATED: *April 23*, 2012  
Albany, New York

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