



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

November 5, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jay Gold, M.D.
4 Disbrow Lane
New Rochelle, New York 10804

RE: License No. 164242

Dear Dr. Gold:

Enclosed please find Order #BPMC 01-264 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 5, 2001.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

cc: Anthony Z. Scher, esq.
Wood and Scher
The Harwood Building
Scarsdale, NY 10583

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
JAY GOLD, M.D.

CONSENT
ORDER

BPMC No. 01-264

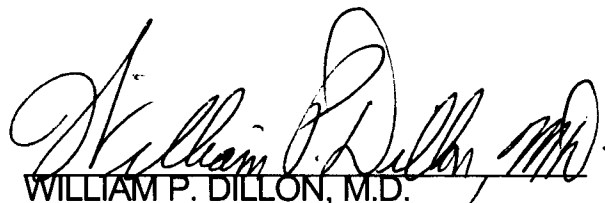
Upon the proposed agreement of JAY GOLD, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 11/3/01



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
JAY GOLD, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

STATE OF NEW YORK)
COUNTY OF *Westchester*) ss.:

JAY GOLD, M.D., (Respondent) being duly sworn, deposes and says:

That on or about September 23, 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 164242 by the New York State Education Department.

My current address is 4 Disbrow Lane, New Rochelle, N.Y. 10804, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the First and Second Specifications in full satisfaction of the charges against me. I hereby agree to the following penalty:

Pursuant to §230-a(3) of the Public Health Law, my license to practice medicine in the state of New York shall be limited so as to preclude me from practicing in the field of oncology and from engaging in any form of medical research.

My license shall be subject to an actual suspension for three (3) months, at the conclusion of which I shall be subject to five (5) years of probation, with terms and conditions as set forth in attached Exhibit "B."

I shall be required to perform 100 hours of public service, as further set forth in attached Exhibit "B."

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of his license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the

Director of OPMC, as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that my failure to comply with any of the terms and conditions set forth in this Application 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 Agreement and Order shall be admitted into evidence in that proceeding.

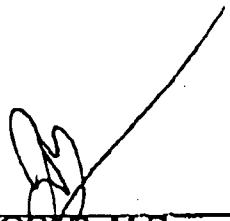
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that if this Application is not granted by the Board, this Application shall be of no effect, shall not bind me in any way, shall not be construed to be an admission of any act of alleged misconduct, shall not be used against me, shall be kept in strict confidence, and shall not be used as evidence during the pendency of any professional misconduct disciplinary proceeding; likewise the Board's denial shall be made without prejudice to the Department's initiation or continuance of any related disciplinary proceeding, and/or the Board's final determination of such matter, pursuant to the Public Health Law.

I agree that, if the Board grants my Application, the Chairperson of the Board shall issue an Order in accordance with the terms and conditions set forth in this Application. I agree that such Order shall be effective upon issuance by the

Board, which may be accomplished by mailing a copy of the Consent Order to me, by first class mail at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

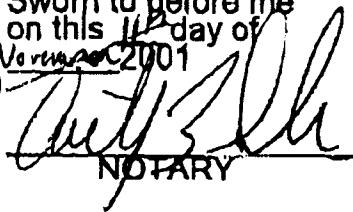
I make this Application of my own free will and accord and not under duress, compulsion or restraint of any kind. In consideration of the value to me of the Board's acceptance of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly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



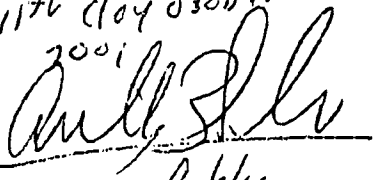
JAY GOLD, M.D.
RESPONDENT

DATED 10/11/01

Sworn to before me
on this 11th day of
November 2001

A2

NOTARY

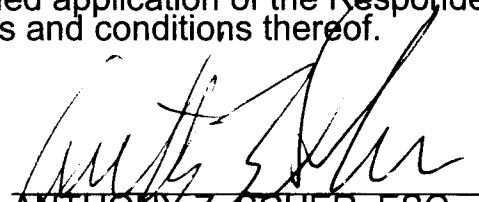
10/11/01
sworn to before
me this

11th day of
November
2001

Notary Public

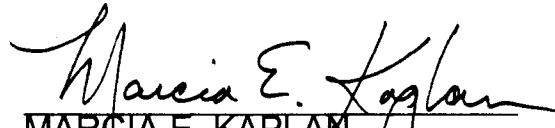
ANTHONY Z. SCHER
Notary Public, State of New York
No. 4840923
Qualified in Westchester County
Commission Expires February 28, ~~1990~~
2002

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

DATE: 10/14/01


ANTHONY Z. SCHER, ESQ.
Attorney for Respondent

DATE: October 18, 2001


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: November 21, 2001


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
JAY GOLD, M.D.**

**STATEMENT
OF
CHARGES**

JAY GOLD, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 23, 1985, by the issuance of license number 164242 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. In or before 1996, Respondent knowingly and inappropriately listed himself as holding a Ph.D. on medical and scientific documents and on the resume he submitted to Mount Sinai Medical Center in connection with its departmental and hospital credentialing processes, when he knew that he had never been awarded a Ph.D.

- B. In or before 1996, Respondent created fictitious manuscripts dealing with fabricated animal research studies and submitted them for publication in medical journals, listing co-authors who had no involvement with such manuscripts.

EXHIBIT "A"

SPECIFICATION OF CHARGES

FIRST AND SECOND SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 2001) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A.
2. Paragraph B.

THIRD SPECIFICATION

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 2001) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

3. Paragraph A and/or Paragraph B.

DATED: July , 2001
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession. Respondent acknowledges that if he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include all sites of employment and/or medical practice, a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is 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].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if he is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation that were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State. The tolling provision set forth in this paragraph may be waived by the Director of OPMC, at the Director's discretion.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

7. Respondent shall be supervised in his medical practice by a licensed physician, proposed by him and approved in writing by the Director of OPMC, in accordance with the conditions contained in or annexed to the Order. Said supervising physician shall be familiar with Respondent's treatment history and with the Order and its conditions. Said supervising physician shall supervise Respondent's compliance with the conditions of practice imposed by the Order. Said supervising physician shall be in a position regularly to observe and assess Respondent's medical practice. Said supervising physician shall acknowledge his/her willingness to comply with the supervision by executing the acknowledgment provided by OPMC.
 - a. Said supervising physician shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, any unexplained absences from work and certifying his compliance or detailing his failure to comply with each condition imposed.
 - b. Said supervising physician shall report any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct to OPMC.
8. Respondent shall be required to comply with the terms of a continuing after-care treatment plan, if any.
9. At the direction of the Director of OPMC, Respondent shall submit to periodic interviews with, and evaluations by, a board certified psychiatrist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding Respondent's condition and his fitness or incapacity to practice as a physician.
10. Respondent shall continue in treatment with a health care professional, proposed by him and approved, in writing, by the Director of OPMC, for as long as the health care professional determines it is necessary.
 - a. Respondent's treating health care professional or program shall submit to OPMC quarterly reports certifying that Respondent is complying with the treatment.
 - b. Said treating health care professional shall report to OPMC immediately if Respondent is noncompliant with his treatment plan or if he demonstrates any significant pattern of absences.
 - c. Said treating health care professional shall acknowledge his/her willingness to comply with the above-mentioned reporting by executing the acknowledgment provided by OPMC.
11. Respondent shall perform 100 hours of public service. A written proposal for public service must be submitted to, and is subject to the written approval of, the Director of OPMC. Public service performed prior to written approval shall not be credited toward compliance with this Order.

12. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.