



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

William Charles Brender, Physician
Adirondack Plastic Surgeons
115 Maple Street
Glens Falls, N.Y. 12801

June 26, 1991

Re: License No. 149722

Dear Dr. Brender:

Enclosed please find Commissioner's Order No. 12084. This Order 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, surrender, or a actual suspension (suspension which is not wholly stayed) 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.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, 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*

GUSTAVE MARTINE
Supervisor

DJK/GM/er

CERTIFIED MAIL - RRR

cc: Barry A. Gold, Esq.
Thuillez, Ford, Gold & Connolly
90 State Street, Suite 1522
Albany, N.Y. 12207

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

IN THE MATTER : APPLICATION
OF : FOR
WILLIAM CHARLES BRENDER, M.D. : CONSENT
: ORDER

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

WILLIAM CHARLES BRENDER, M.D., being duly sworn, deposes and says:

That on or about April 16, 1982, I was licensed to practice as a physician in the State of New York, having been issued License No. 149722 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 January 1, 1989 through December 31, 1991 from Adirondack Plastic Surgeons, 115 Maple Street, Glens Falls, New York 12801-3630.

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

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

I admit guilt to the Specification.

I hereby agree to the penalty that my license be suspended for five years, the five years suspension to be stayed to become a period of probation under the terms of probation annexed hereto, made part hereof, and marked as Exhibit "B".

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

I understand that, in the event that this 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, as set forth herein, an order of the Commissioner of Education may be issued in accordance with same.

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.

William Charles Brender
WILLIAM CHARLES BENDER, M.D.
Respondent

Sworn to before me this
17th day of December, 1990.


NOTARY PUBLIC

DONNA E. WARDLAW
Notary Public
State of New York, Saratoga County
Reg. No. 4862879
My Commission Expires Aug. 31, 1991

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

IN THE MATTER : APPLICATION
OF : FOR
WILLIAM CHARLES BRENDER, M.D. : CONSENT
: ORDER

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

Date: 12/17/90 William Charles Brender
WILLIAM CHARLES BRENDER, M.D.
Respondent

Date: 12/27/90 Barry Gold
BARRY GOLD, Esq.
Attorney for Respondent

Date: 4/24/91 Oliver N. Jacobs
MEMBER, State Board for
Professional Medical Conduct

Date: April 19, 1991 Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

WILLIAM CHARLES BRENDER, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date:

4/19/91

Alfred Gellhorn

ALFRED GELLHORN, M.D.
Director of Medical Affairs

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 for a Consent Order, has reviewed said application and recommends to the Board of Regents that the application be granted.

Date:

May 21, 1991

[Signature]

MEMBER OF THE BOARD OF REGENTS

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

-----X
IN THE MATTER : STATEMENT
OF : OF
WILLIAM CHARLES BRENDER, M.D. : CHARGES
-----X

The State Board for Professional Medical Conduct, upon information and belief, charges and alleges as follows:

1. WILLIAM CHARLES BRENDER, M.D., the Respondent, was authorized to practice medicine in New York State on April 16, 1982 by the issuance of license number 149722 by the New York State Education Department.

2. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at Adirondack Plastic Surgeons, 115 Maple Street, Glens Falls, New York 12801-3630.

3. Respondent herein is charged with professional misconduct within the purview of New York Education Law §6509 (McKinney 1985) as set forth in the attached Specification.

SPECIFICATION

4. The Respondent is charged with professional misconduct within the meaning of New York Education Law §6509(5)(a)(i) (McKinney 1985) by reason of having been convicted of committing an act constituting a crime under New York State law, in that:

On or about ~~January~~ 15, 1990 in the County Court for the County of Saratoga, State of New York, Respondent was convicted of one count of Giving an Unlawful Gratuity in violation of §200.30 of the Penal Law of the State of New York, a Class A Misdemeanor, in that on or about March 28, 1990 Respondent offered money to a state police officer to obtain confidential information regarding an investigation.

DATED: Albany, New York
March 15, 1991



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

EXHIBIT B

TERMS OF PROBATION

WILLIAM CHARLES BRENDER, M.D.

1. That Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall comply fully with all Federal, State and local laws, rules and/or regulations regarding the practice of medicine;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Room 438, Tower Building, Albany New York 12237 of any change in his employment, practice, residence, and/or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that he has paid all registration fees due and owing to the NYSED and he shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by him to the NYSDOH, addressed as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed as aforesaid that, 1) he is currently registered with the NYSED, unless he submits written proof that he has advised DPLS, NYSED, that he is not engaging in the practice of his profession in the State of New York and does not desire to register, and that 2) he has paid any fines which may have previously been imposed upon him by the Board of Regents; said proof of the above to be submitted no later than the first three months of the period of probation;
5. Respondent shall submit to random supervised urine and/or blood screenings for drugs and/or alcohol at the request and discretion of a monitor selected by Respondent and previously approved in writing by NYSDOH;
6. Respondent shall authorize in writing and cause the monitor to submit in writing to the NYSDOH, addressed as aforesaid, the results of said screenings and to notify NYSDOH immediately of any refusal to take a test or of any positive result;

7. Respondent shall continue to attend regular Narcotics Anonymous or other similar 12 Step meetings two to three times per week.
8. Respondent shall cooperate with the regular monitoring and supervision of his practice by a physician licensed to practice in the State of New York chosen by Respondent and previously approved in writing by the NYSDOH. Such supervision and monitoring shall include quarterly review of a random sample of Respondent's patient records. The monitoring of Respondent's practice may also include unannounced review of Respondent's ordering, administering, dispensing and inventory of all controlled substances, unannounced actual observation of Respondent's treatment of patients, interviews of Respondent, and any other reasonable means of monitoring or supervising which the monitor deems warranted;
9. Respondent shall authorize in writing and cause the physician supervising and monitoring his practice of medicine to submit to NYSDOH, addressed as aforesaid, quarterly written reports regarding Respondent's practice of medicine, and to report immediately any adverse change in his physical and mental condition or ability to practice medicine;
10. Respondent shall continue psychiatric treatment with a therapist selected by him and previously approved in writing by the NYSDOH for as long as the treating physician deems it necessary. If the treating therapist professional determines that treatment is no longer necessary, he or she shall notify the NYSDOH in writing;
11. Respondent shall authorize in writing and cause the therapist treating to submit to NYSDOH, addressed as aforesaid, quarterly written reports regarding his physical and mental condition and progress in therapy and to report any adverse change in his physical or mental condition or failure to continue treatment to continue treatment to NYSDOH immediately;
12. During the period of probation, Respondent shall abstain from the use of any and all drugs, except as prescribed by a physician for a legitimate medical purpose and shall abstain from the use of alcohol;
13. Respondent shall make quarterly visits upon reasonable notice to an employee of NYSDOH and cooperate in an interview regarding Respondent's compliance with the terms of probation;

14. The authorizations required by these terms of probation shall be submitted by Respondent to NYSDOH, addressed as aforesaid, within the first thirty days of the period of probation;
15. In the event Respondent fails to comply with any term or condition of probation, Respondent shall be subject to disciplinary action and/or a violation of probation proceeding. If the Board of Regents determines that Respondent has violated any term or condition of probation, they may impose any penalty authorized pursuant to N.Y. Education Law §6511.

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

WILLIAM CHARLES BRENDER

CALENDAR NO. 12084



The University of the State of New York

IN THE MATTER

OF

WILLIAM CHARLES BRENDER
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 12084

Upon the application of WILLIAM CHARLES BRENDER, under Calendar No. 12084, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (June 21, 1991): That the application of WILLIAM CHARLES BRENDER, respondent, for a consent order 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 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.

WILLIAM CHARLES BRENDER (12084)



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 25th day of
June, 1991.

Thomas Sobol
Commissioner of Education