



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.
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NYS Department of Health

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

PUBLIC

February 17, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Carl Metzger, M.D.
1123 Shore Road
Cape Elizabeth, ME 04107

Re: License No. 104361

Dear Dr. Metzger:

Enclosed please find Order #BPMC 05-28 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 24, 2005.

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 the 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

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

IN THE MATTER
OF
CARL METZGER, M.D.
CO-04-12-6156-A

SURRENDER
ORDER
BPMC No. 05-28

CARL METZGER, M.D., says:

On or about August 4, 1969, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 104361 by the New York State Education Department. I currently reside at 1123 Shore Rd., Cape Elizabeth, ME 04107.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) 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 for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: February 6, 2005



CARL METZGER, M.D.
Respondent

AGREED TO:

Date: 8 February, 2005



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 11 February, 2005



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of **CARL METZGER, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2-15, 2005


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

IN THE MATTER
OF
CARL METZGER, M.D.
CO-04-12-6156-A

STATEMENT
OF
CHARGES

CARL METZGER, M.D., the Respondent, was authorized to practice medicine in New York state on August 4, 1969, by the issuance of license number 104361 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 30, 2004, the Maine State Board of Licensure in Medicine (hereinafter "Maine Board"), by a Decision and Order (hereinafter "Maine Order"), Reprimanded Respondent, denied his application for a license renewal, and imposed \$8,795.59 costs of hearing, based on unprofessional conduct, incompetence, and lack of confidentiality.

B. The conduct resulting in the Maine 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);
2. New York Education Law §6530(5) (incompetence on more than one occasion);
3. New York Education Law §6530(17) (exercising undue influence on the patient);

and/or

4. New York Education Law §6530(23) (revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York State Education Law §6530(9)(b) having been found guilty of improper professional practice or professional misconduct by a duly authorized

professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York State 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:

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

DATED: *January 27*, 2005
Albany, New York


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