



New York State Board for Professional Medical Conduct

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

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

October 17, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

William P. Scherer, M.D.
2430 E. Commercial Blvd.
Apartment B
Ft. Lauderdale, Florida 33306

RE: License No. 090431

Dear Dr. Scherer:

Enclosed please find Order #BPMC 00-283 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 17, 2000.

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: Heriberto Borroto, Esq.
2950 S.W. 27th Avenue
Suite 2000
Miami, Florida 33133

Robert Bogan, Esq.

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

IN THE MATTER

SURRENDER

OF

ORDER

WILLIAM P. SCHERER, M.D.

BPMC No. 00-283

WILLIAM P. SCHERER, M.D., says:

On or about June 10, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 090431 by the New York State Education Department. I currently reside at 2430 E. Commercial Blvd. Apt B Ft Lauderdale, Fl

I am not currently registered with the New York State Education Department to practice ³³³⁰³ 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 one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am medically unable to practice medicine and have been so for over two years. I have not practiced medicine in New York state for over thirty years. I am, therefore, 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 one (1) Specification and Factual Allegations A and B(1), set forth in the Statement of Charges (Exhibit A).

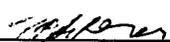
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

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: 10/1/00, 2000

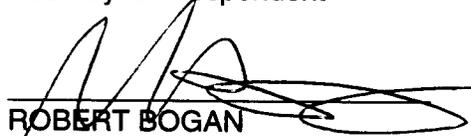

WILLIAM P. SCHERER, M.D.
Respondent

AGREED TO:

Date: 10/4/00, 2000


HERIBERTO BORROTO, ESQ.
Attorney for Respondent

Date: 10/12/00, 2000


ROBERT BOGAN
Assistant Counsel
Bureau of Professional Medical
Conduct

Date: 10/16/00, 2000

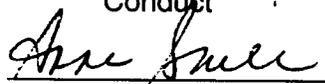

ANNE F. SAILE
Director, Office of Professional
Medical Conduct

EXHIBIT A

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

IN THE MATTER

OF

WILLIAM P. SCHERER, M.D.

STATEMENT

OF

CHARGES

WILLIAM P. SCHERER, M.D., the Respondent, was authorized to practice medicine in New York state on June 10, 1963, by the issuance of license number 090431 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 30, 1999, the State of Florida Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), restricted Respondent's practice to no surgical or office procedure until such time as he appears before the Florida Board and proves that he can practice with reasonable skill and safety, and imposed a \$5,000.00 fine, based on his failure to prescribe pre-operative antibiotics prophylactically to guard against potential wound complications, to prescribe sufficient post-operative antibiotic therapy in order to prevent potential post surgical infection, to timely prescribe antibiotics at the onset of signs and symptoms, to follow appropriate infectious control techniques, to timely pursue the appropriate treatment for Necrotizing Fasciitis, and to keep written medical records justifying a course of treatment.

B. The conduct resulting in the Florida Board's 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(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (record keeping).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted 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:

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

DATED: *Aug. 11*, 2000

Peter D. Van Buren

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical

Conduct

ORDER

Upon the proposed agreement of WILLIAM P. SCHERER, 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: 10/16, 2000


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct