



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Karen Schimke  
*Executive Deputy Commissioner*

January 8, 1997

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Daniel Guenzburger, Esq.  
NYS Department of Health  
5 Penn Plaza Sixth Floor  
New York, New York 10001

George Peter Meno, M.D.  
5 Dogwood Lane  
Wilton, Connecticut 06897

Margaret Wynne, Esq.  
John Gulash, Esq.  
Gulash, Fleischmann & Riccio  
350 Fairfield Avenue  
P.O. Box 9118  
Bridgeport, Connecticut 06601

### **RE: In the Matter of George Peter Meno, M.D.**

Dear Mr. Guenzburger, Dr. Meno and Ms. Wynne:

Enclosed please find the Determination and Order (No. 97-16) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's  
Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler nm". The signature is written in a cursive style with a large initial 'T' and 'B'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

**IN THE MATTER**  
**-OF-**  
**GEORGE PETER MENO, M.D.**

**DECISION**

**AND**

**ORDER**

**OF THE**

**HEARING**

**COMMITTEE**

**BPMC ORDER**

**NO. 97 16**

This matter was commenced by a Commissioner's Summary Order, Notice of Summary Proceeding and Statement of Charges. The Commissioner's Order and Notice of Summary Proceeding were both dated October 7, 1996. The Statement of Charges was dated October 1, 1996. All were served upon **GEORGE PETER MENO, M.D.**, (hereinafter referred to as "Respondent"), personally, on October 10, 1996.

**F. MICHAEL JACOBUS, M.D.**, Chairperson, **ROBERT BRUCE BERGMANN, M.D.**, and **RANDOLPH MANNING**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on November 7, 1996 at 5 Penn Plaza, New York, New York. The State Board For Professional Medical Conduct (hereinafter referred to as "Petitioner") appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **DANIEL GUENZBURGER, ESQ.**, Assistant

Counsel, Bureau of Professional Medical Conduct. Respondent appeared in person and by Gulash, Fleischmann & Riccio, **Margaret Wynne, Esq** counsel of Record with **John Gulash, Esq.**, of counsel. Evidence was received. A transcript of these proceedings was made.

After consideration of the entire record, the Hearing Committee issues this Decision and Order.

### **STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(12) as amended by Ch. 627 and 599 of the Laws of 1996. Under this provision, the Commissioner can order a physician to immediately cease the practice of medicine in this state, where another jurisdiction (in this case Connecticut) has found that Respondent constitutes the equivalent of an imminent danger to the public. The scope of this expedited hearing is limited solely upon the record of the previous discipline.

In the instant case, Respondent is charged with professional misconduct pursuant to the New York State Education Law, Section 6530(9)(d) (having been disciplined by the duly authorized agency of another state). The charges in this proceeding arise from a consent Order issued by the Connecticut Medical Examining Board. The Connecticut authorities had summarily suspended Respondent's license based upon a finding that violations perpetrated by Respondent "imperatively required emergency action." Respondent entered into a Consent Order On June 18 which suspended his license, imposed a civil penalty of \$20,000 and placed him on probation. The allegations in this proceeding and the underlying events are more particularly set forth in the Notice

of Referral Proceeding and Statement of Charges, a copy of which is attached to this Decision and Order as Appendix One.

### **FINDINGS OF FACT**

The Committee adopts the factual statements set forth on pages one through three of the Statement of Charges (Appendix One) as its findings of fact and incorporates them herein.

### **CONCLUSIONS WITH REGARD TO FACTUAL ALLEGATIONS AND PENALTY**

Petitioner herein has proven by a preponderance of the evidence that Respondent was subjected to professional discipline in the state of Connecticut. Furthermore, the conduct resulting in the discipline in Connecticut would constitute misconduct if committed in New York. Therefore, the Factual Allegations and Specifications in this proceeding are sustained. The Committee now turns its attention to what penalty to impose.

The penalty imposed by Connecticut seems, to this body to be extremely merciful. The uncontested facts are that Respondent was selling narcotic prescriptions and prescribing controlled substances to known addicts. These activities go beyond substandard medicine, they constitute acts of moral turpitude. Respondent exhibited no mitigation that would be sufficient to impose less than the ultimate penalty. The Committee finds Respondent to be a menace to the public and must therefore act to protect the public by revoking Respondent's license.

**ORDER**

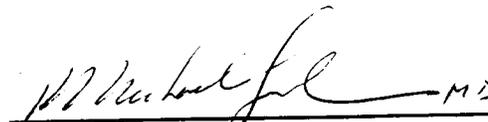
WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**;  
Furthermore, it is hereby **ORDERED** that;
  
2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**;  
Furthermore, it is hereby **ORDERED** that;
  
3. The Commissioner's Summary Order shall remain in full force and effect;  
Furthermore, it is hereby **ORDERED** that;
  
4. The license of Respondent to practice medicine in the State of New York is hereby **REVOKED**;  
Furthermore, it is hereby **ORDERED** that;
  
5. This order shall take effect **UPON RECEIPT** or **SEVEN (7) DAYS** after mailing of this order by Certified Mail.

**Dated:**  
**North Salem, New York**

January 3, 1997

  
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**F. MICHAEL JACOBIOUS, M.D., Chairperson**  
**ROBERT BRUCE BERGMANN, M.D.**  
**RANDOLPH MANNING**

RP

TO:

**DANIEL GUENZBURGER, ESQ.**  
Assistant Counsel  
Bureau of Professional Medical Conduct  
5 Penn Plaza, suite 601  
New York, N.Y. 10001

**GEORGE PETER MENO, M.D.**  
5 Dogwood Lane  
Wilton Connecticut 06897

**MARGARET WYNNE, ESQ.**  
**JOHN GULASH, ESQ.**  
Gulash, Fleischmann & Riccio  
350 Fairfield Ave  
P.O. Box 9118  
Bridgeport, Connecticut 06601

**APPENDIX ONE**

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

IN THE MATTER  
OF  
GEORGE PETER MENO, M.D.

NOTICE OF  
SUMMARY  
PROCEEDING

TO: GEORGE PETER MENO, M.D.  
5 Dogwood Lane  
Wilton, CT 06897

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(12) and (10)(p) (McKinney 1990 and Supp. 1996 (as amended by Ch. 627 and 599 of the Laws of 1996)) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1996). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on November 7, 1996, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of

witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the

Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York  
October 7, 1996



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Daniel Guenzburger  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
5 Penn Plaza, Suite 601  
New York, New York 10001  
(212) 613-2615

IN THE MATTER  
OF  
GEORGE PETER MENO, M.D.

STATEMENT  
OF  
CHARGES

GEORGE PETER MENO, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 6, 1988, by the issuance of license number 176933 by the New York State Education Department. He is not currently registered to practice medicine in New York State.

**FACTUAL ALLEGATIONS**

- A. By an Order dated March 19, 1996, the Connecticut Medical Examining Board, based on allegations of fact showing violations of law and which imperatively required emergency action in that the public health, safety or welfare of the citizens of the State of Connecticut was in clear and immediate danger, summarily suspended Respondent's license to practice medicine and surgery in that State, pending final determination. Respondent's conduct resulting in the suspension included, *inter alia*:
1. The selling of prescriptions for, and/or the excessive prescribing of Percocet, Lorcet, Vicodin ES, and Fioricet with Codeine to eight specified patients;
  2. The administration of excessive quantities of Demerol injections to one patient;
  3. The prescribing of controlled substances to seven specified patients despite knowing or having reason to know that they were addicted;

4. Having engaged in sexual misconduct with one patient; and
  5. Having advised two specified patients to apply a solvent called "DMSO" to the surface areas of their bodies despite a specific manufacturer's warning to the contrary.
- B. By Consent Order dated June 18, 1996, based upon the factual allegations cited in paragraph A of this Statement of Charges, the Connecticut Board fined Respondent in the amount of \$20,000, suspended his license for a minimum of two years with said suspension stayed after fifteen months, and imposed other probation, terms, conditions, and limitations related, *inter alia*, to Respondent's own psychiatric condition and use of alcohol and/or controlled substance.

### SPECIFICATION OF CHARGES

#### SPECIFICATION

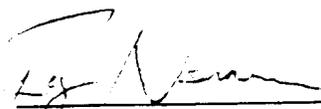
#### HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1996) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a

license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state, namely N.Y. Educ. Law §6530(2),(3),(4),(5),(6),(20) and/or (35) (McKinney Supp. 1996), as alleged in the facts of the following

1. Paragraph A and each of its subparagraphs and/or Paragraph B.

DATED: October /, 1996  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct