



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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NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Vice Chair

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

Public

February 23, 2006

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Peter L. Rutter, M.D.
112 Janes Street
Mill Valley, CA 94941

Re: License No. 218719

Dear Dr. Rutter:

Enclosed is a copy of Order #BPMC 06-33 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect March 2, 2006.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this 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

cc: Amy T. Kulb, Esq.
Jacobson, Goldberg & Kulb, LLP
585 Stewart Avenue, Suite 720
Garden City, NY 11530

IN THE MATTER
OF
PETER L. RUTTER, M.D.

CONSENT
ORDER
BPMC No. 06-33

Upon the application of **PETER L. RUTTER, M.D.**, (Respondent) in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 2-22-06



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
PETER L. RUTTER, M.D.
CO-05-01-0262-a

CONSENT
AGREEMENT
AND ORDER

PETER L. RUTTER, M.D., (Respondent) representing that all of the following statements are true, deposes and says:

That on or about August 4, 2000, I was licensed to practice as a physician in the State of New York, and issued License No. 218719 by the New York State Education Department.

My current address is 112 Janes Street, Mill Valley, CA 94941, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest Factual Allegations A, B(2) and the Second Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Censure and Reprimand; and

Respondent shall enroll in and complete a continuing education program in the area of appropriate prescribing of controlled substances. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within one (1) year of the effective date of this Order.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of all matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patients identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

AFFIRMED:

DATED: Feb. 8, 2006

Peter L Rutter MD
PETER L. RUTTER, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions thereof.

DATE: 2/9/06

Amy T. Kulb
AMY T. KULB
Attorney for Respondent

DATE: 17 February 2006

Robert Bogan
ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 21 February 2006

Dennis J. Graziano
DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
PETER L. RUTTER, M.D.
CO-05-01-0262-A

STATEMENT
OF
CHARGES

PETER L. RUTTER, M.D., Respondent, was authorized to practice medicine in New York state on August 4, 2000, by the issuance of license number 218719 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 19, 2004, the State of Colorado, Board of Medical Examiners, (hereinafter "Colorado Board"), by a Stipulation and Final Agency Order (hereinafter "Colorado Order"), issued Respondent a LETTER OF ADMONITION and required him to successfully complete a course on prescribing drugs, based on providing medications to his domestic partner, who was his fiancée, by writing prescriptions in his own name and informing the pharmacy he was obtaining the medicine for his office supply, and that he was providing the medication to a family member.

B. The conduct resulting in the Colorado Board disciplinary actions 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(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment for the patient).

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:

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

DATED: *Feb 16*, 2006
Albany, New York



BRIAN M. MURPHY
Chief Counsel
Bureau of Professional Medical Conduct