



*New York State Board for Professional Medical Conduct*

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

Dennis P. Whalen  
*Executive Deputy Commissioner of Health*  
Anne F. Salle, Director  
*Office of Professional Medical Conduct*  
William J. Comiskey, Chief Counsel  
*Bureau of Professional Medical Conduct*

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*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

February 23, 1999

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Alan Rutner, M.D.  
26 Shunpike Road  
Cromwell, CT 06416

RE: License No. 121004

Dear Dr. Rutner:

Enclosed please find Order #BPMC 99-43 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 23, 1999**.

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: Valerie B. Donovan, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
ALAN RUTNER, M.D. : BPMC # 99-43

:  
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ALAN RUTNER, M.D., says:

On or about July 30, 1974, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 121004 by the New York State Education Department.

I understand that I have been charged with two 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 admit guilt to the two specifications set forth in the Statement of Charges.

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 State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that this Order shall be effective 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 earliest.

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

  
ALAN RUTNER, M.D.  
Respondent

February 7, 1999  
Comard CT

AGREED TO:

Date: February 7, 1998

  
Esq.  
Attorney for Respondent

Date: February 9, 1998

Valerie B. Donovan  
VALERIE B. DONOVAN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: February 12, 1998

  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of ALAN RUTNER, 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 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 of this Order to Respondent at the address set forth in this agreement or to Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest

DATED: 2/18/99



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

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

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IN THE MATTER : STATEMENT  
OF : OF  
ALAN RUTNER, M.D. : CHARGES

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ALAN RUTNER, M.D., the Respondent, was authorized to practice medicine in New York State on July 30, 1974, by the issuance of license number 121004 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine. His current office address is 26 Shunpike Road, Cromwell, Connecticut 06416.

**FACTUAL ALLEGATIONS**

A. On June 16, 1998, Respondent entered into a Consent Order with the Connecticut Medical Examining Board in which he admitted that: (1) in 1980, he engaged in a personal and sexual relationship with a former patient; (2) in 1996, he engaged in a personal and sexual relationship with a former patient; and (3) he suffers from periodic depression. This activity was in violation of the General Statutes of Connecticut §§ 20-13c, 20-13c(2) and/or 20-13c(4). Pursuant to the terms of the Consent Order, Respondent's license was placed on probation for four years.

B. The conduct which Respondent admitted and/or was disciplined for in Connecticut would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law. § 6530(20) (conduct in the practice of medicine which evidences moral unfitness), N.Y. Educ. Law. § 6530(7) (practicing the profession while impaired) and N.Y. Educ. Law. § 6530(31).

### SPECIFICATIONS OF MISCONDUCT

#### FIRST SPECIFICATION

##### GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(9)(b) by reason of 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 of New York State, in that Petitioner charges:

1. The facts in paragraphs A and B.

#### SECOND SPECIFICATION

##### DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) in that he had disciplinary action taken against him 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 of paragraphs A and B.

DATED: *February 9*, 1999  
Albany, New York

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