



***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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*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

**PUBLIC**

Michael A. Gonzalez, R.P.A.  
*Vice Chair*

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

October 13, 2004

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Barry Lauton, M.D.  
54 Ronald Terrace  
Springfield, NJ 07081

Re: License No. 112537

Dear Dr. Lauton:

Enclosed please find Order #BPMC 04-228 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 20, 2004.

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

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IN THE MATTER  
OF  
BARRY LAUTON, M.D.  
CO-04-07-3484-A

SURRENDER  
ORDER

BPMC No. 04-228

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**BARRY LAUTON, M.D.**, says:

On or about June 16, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 112537 by the New York State Education Department. I currently reside at 54 Ronald Terrace, Springfield, NJ 07081.

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 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 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 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: Sept 26, 2004

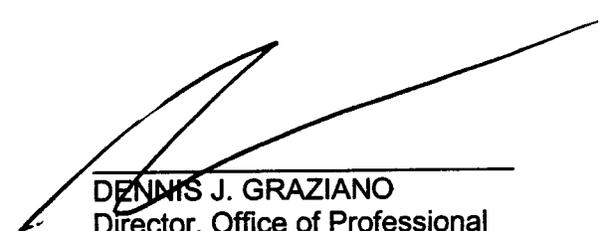
  
BARRY LAUTON, M.D.  
Respondent

AGREED TO:

Date: 10/04/04, 2004

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: October 8, 2004

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

**ORDER**

Upon the proposed agreement of **BARRY LAUTON, 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: 10/11, 2004

  
MICHAEL A. GONZALEZ, R.R.A.  
Vice Chair  
State 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  
OF  
BARRY LAUTON, M.D.  
CO-04-07-3484-A

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STATEMENT  
OF  
CHARGES

**BARRY LAUTON, M.D.**, Respondent, was authorized to practice medicine in New York state on June 16, 1972, by the issuance of license number 112537 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about February 2, 2004, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners (hereinafter "New Jersey Board"), by a Consent Order of Voluntary Retirement (hereinafter "New Jersey Order"), limited Respondent's practice of medicine solely to chart disability reviews and testimony regarding those chart disability reviews on behalf of the State Division of Labor in the Department of Disability Determination Services, required that he cease to see patients in his clinical practice of medicine and that he have no further direct patient contact whatsoever, and imposed \$9,967.78 costs of investigation, based on having sexual contact with a male pediatric patient in the course of treating the patient.

B. The conduct resulting in the New Jersey 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(20) (moral unfitness); and/or
2. New York Education Law §6530(31) (willfully harassing, abusing, or intimidating a patient).

**SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional 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: *Sept. 28*, 2004  
Albany, New York



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