



**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

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Vice Chair

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

August 10, 2006

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Lawrence Gotkind, M.D.  
2100 Finch Avenue West  
Suite 106A  
Toronto, Canada M3N 2Z9

Re: License No. 118080

Dear Dr. Gotkind:

Enclosed is a copy of Order #BPMC 06-184 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 17, 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. If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to: Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299**

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

**IN THE MATTER  
OF  
LAWRENCE GOTKIND, M.D.**

**SURRENDER  
ORDER**

BPMC No. #06-184

Upon the application of (Respondent) LAWRENCE GOTKIND, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

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

ORDERED, that Respondent's name 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, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 8-8-06

  
KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional Medical Conduct

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

**IN THE MATTER  
OF  
LAWRENCE GOTKIND, M.D.**

**SURRENDER  
of  
LICENSE**

LAWRENCE GOTKIND, M.D., representing that all of the following statements are true, deposes and says:

That on or about September 11, 1973, I was licensed to practice as a physician in the State of New York and issued License No. 118080 by the New York State Education Department.

My current address is 2100 Finch Avenue West, Suite 106A, Toronto, Canada, M3N 2Z9, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with 7 specifications of professional misconduct.

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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the Seventh Specification [Moral Unfitness], and the Factual Allegations in support thereof, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my License, and I agree to be bound by all of the terms set forth in attached Exhibit "B".

I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this application 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 accepts the Surrender of my License, the Chair of the Board shall issue a Surrender 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 Surrender Order by first class mail to me at the address in this Surrender of License, 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 patient identities, if any, redacted.

I ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter

into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE June 23/06

  
LAWRENCE GOTKIND, M.D. *gotkind*  
RESPONDENT

The undersigned agrees to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: June 23 2006

Lawrence Gotkind  
LAWRENCE GOTKIND, M.D.  
Respondent

DATE: July 17, 2006

Joel Abelow  
JOEL ABELOVE, ESQ.  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 07 August 2006

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

IN THE MATTER  
OF  
LAWRENCE GOTKIND, M.D.

**STATEMENT  
OF  
CHARGES**

LAWRENCE GOTKIND, M.D., Respondent, a board certified psychiatrist, was authorized to practice medicine in New York State on September 11, 1973, by the issuance of license number 118080 by the New York State Education Department, with a registration address of 2100 Finch Avenue West, Suite 106A, Toronto, Canada M3N 2Z9.

**FACTUAL ALLEGATIONS**

A. Respondent provided medical care to Patient A on May 14, 2003, at his office.

Respondent's care and treatment of Patient A failed to meet accepted standards of medical care in that:

1. Respondent showed Patient A an article which indicated a link between Paxil and an increased risk of breast cancer and he advised that it was not good to be on Paxil for a length of time. Respondent asked to see Patient A's breast.
2. Respondent touched Patient A's knee several times.
3. Just prior to leaving Respondent's office, Respondent asked Patient A again, "You're sure I can't see your breasts?" Patient A said "no" and exited the office.

4. Respondent came out to the reception area and asked Patient A to come back into his office so that he could speak with her further and could explain why he had made the comments.
5. Respondent called Patient A several times the day following the appointment and the next day to convey that he was sorry if he had upset her.

B. Respondent provided medical care to Patient B on May 21, 2003, at his office. Respondent's care and treatment of Patient B failed to meet accepted standards of medical care in that:

1. Respondent patted Patient B's leg close to the knee with his hand.
2. During a discussion concerning Patient B's past suicide attempts, Respondent stated, "You're so beautiful, why would you give up your life?"
3. When Patient B advised Respondent that she was taking Paxil, he drew her attention to an article about Paxil and its possible linkage to breast cancer. Respondent said that having an operation to remove her breasts would be terrible for her husband or boyfriend.
4. When Patient B told Respondent that she thought that it was odd that her boyfriend enjoyed sucking her toe, Respondent commented that this did not sound terrible or abnormal to him.
5. Respondent commented that if Patient B became a psychiatrist, her

patients would be distracted by her looks or beauty.

C. Respondent provided medical care to Patient C from early 1999 through January 2004, at his office. Respondent's care and treatment of Patient C failed to meet accepted standards of medical care in that:

1. During some of Patient C's visits with Respondent, he made comments to her about her appearance. Respondent told her that she dressed too provocatively, and that, given her body proportions, she should be covering herself up more.
2. When Patient C was a high school student, Respondent remarked that her looks and manner of dress would arouse the male students.
3. Respondent commented on Patient C's clothing and told her that she looked like a "piece of ass," that guys liked looking at her because of the way she dressed, and that her employer probably liked looking at her too.
4. During sessions, Respondent would sometimes touch Patient C's knee.

### **SPECIFICATIONS**

#### **FIRST THROUGH THIRD SPECIFICATIONS**

#### **IN THE PRACTICE OF PSYCHIATRY, ANY PHYSICAL CONTACT OF A SEXUAL NATURE BETWEEN LICENSEE AND PATIENT**

Respondent is charged with being a psychiatrist and having physical contact of a sexual nature between himself and Patients A, B, and C, in violation of N.Y. Education Law §

6530(44), in that Petitioner charges two or more of the following:

1. The facts in Paragraphs A and A.2.
2. The facts in Paragraphs B and B.1.
3. The facts in Paragraphs C and C.4.

**FOURTH THROUGH SIXTH SPECIFICATIONS**

**WILLFULLY HARASSING, ABUSING, OR INTIMIDATING A PATIENT EITHER  
PHYSICALLY OR VERBALLY**

Respondent is charged with willfully harassing, abusing, or intimidating a patient either physically or verbally, in violation of N.Y. Education Law § 6530(31), in that Petitioner charges two or more of the following:

4. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.5.
5. The facts in Paragraphs B and B.1, B and B.2, B and B.3, B and B.4, B and B.5.
6. The facts in Paragraphs C and C.1, C and C.2, C and C.3, C and C.4.

**SEVENTH SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with Conduct in the practice of medicine which evidences moral unfitness to practice medicine, in violation of N.Y. Education Law § 6530(20), in that Petitioner charges the following:

3. The facts in Paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, C and C.1, C and C.2, C and C.3, C and C.4.

DATED: *July 18*, 2006  
Albany, New York



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

## **EXHIBIT "B"**

### **GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of six months or more) OF A MEDICAL LICENSE**

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent that Respondent is eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Surrender Order's effective date, Respondent shall notify all patients that Respondent has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within thirty days of the Surrender Order's effective date, Respondent shall deliver Respondent's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six years after the last date of service, and, for minors, for at least six years after the last date of service or three years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within 15 days of the Surrender Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender Respondent's DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within 15 days of the Surrender Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within 15 days of the Surrender Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by Respondent or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Surrender Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for six months or more pursuant to this Order, Respondent shall, within ninety days of the Order's effective date, divest completely of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety days of the Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four years, under § 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under § 230-a of the Public Health Law.