



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*

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Office of Professional Medical Conduct

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

Public

July 5, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Neil E. Pauker, M.D.
15700 Kilmarnock Drive
Fort Myers, FL 33912

Re: License No. 120411

Dear Dr. Pauker:

Enclosed is a copy of Order #BPMC 05-128 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 12, 2005.

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

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

IN THE MATTER
OF
NEIL E. PAUKER, M.D.

CONSENT
ORDER
BPMC No. 05-128

Upon the proposed agreement of **NEIL E. PAUKER, M.D.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7-1-2005


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
NEIL E. PAUKER, M.D.
CO-05-02-0859-A

CONSENT
AGREEMENT
AND ORDER

NEIL E. PAUKER, M.D., (Respondent) being duly sworn deposes and says:

That on or about July 1, 1974 I was licensed to practice as a physician in the State of New York, having been issued License No. 120411 by the New York State Education Department.

My current address is 15700 Kilmarnock Drive, Fort Myers, FL 33912,

I understand that the New York State Board For Professional Medical Conduct has charged me with one (1) specification of professional medical misconduct.

A copy of the Statement of Charges made a part hereof, and marked as Exhibit "A."

I do not to contest Factual Allegations A and B(2) and the Specification, in full satisfaction of the charges against me.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand and a \$5,000.00 fine. However, since I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state,

I agree, therefore, in lieu of the settlement offered by the State of New York:

to never activate my registration to practice medicine in New York state
or seek to reapply for a license to practice medicine in New York state.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I, hereby, make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

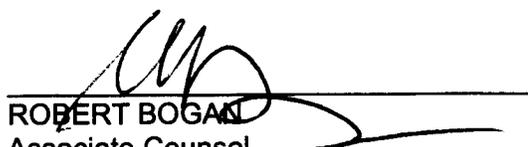
AFFIRMED:

DATED: 6/15/85


NEIL E. PAUKER, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 20 June 2005


ROBERT BOGART
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 30 June 2005


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

NEIL E. PAUKER, M.D.
CO-05-02-0859-A

STATEMENT

OF

CHARGES

NEIL E. PAUKER, M.D., the Respondent, was authorized to practice medicine in New York state on July 1, 1974, by the issuance of license number 120411 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 14, 2003, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), Reprimanded Respondent, a psychiatrist, fined him \$5,000.00, assessed \$5,250.00 in investigative costs, restricted his license to practice medicine, required him to complete twenty (20) hours of community service, and required him to complete eight (8) hours of CME in ethics, based on sexual misconduct with a patient.

B. The conduct resulting in the Florida 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(17) (exercising undue influence on the patient);
3. New York Education Law §6530(20) (moral unfitness); and/or
4. New York Education Law §6530(44) (in the practice of psychiatry, any physical contact of a sexual nature between the licensee and patient).

SPECIFICATION

Respondent violated New York 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 New York state, in that Petitioner charges:

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

DATED: *May 24*, 2005
Albany, New York


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