

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

July 6, 1990

Gerald Greenwald, Physician  
P.O. Box 163300  
Miami, Florida 33116

License No. 103988 - Corrected Copy  
Cover Letter - See Profession

Dear Doctor:

Enclosed please find Commissioner's Order No. 9881/8402. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

MOIRA A. DORAN  
Supervisor

DJK/MAH/gs  
Enclosures

CERTIFIED MAIL - RRR  
cc:

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**GERALD GREENWALD**

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**CALENDAR NOS. 9881/8402**



# The University of the State of New York

IN THE MATTER

OF

GERALD GREENWALD  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NOS. 9881/8402

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Upon the record herein, under Calendar Nos. 9881/8402, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (June 22, 1990):** That in the matter of GERALD GREENWALD, respondent, upon reconsideration of the measure of discipline previously imposed by the Board of Regents, the prior vote of the Board of Regents and order of the Commissioner of Education under Calendar Nos. 9881/8402 be annulled, that the recommendation of the Regents Review Committee be modified solely as to the measure of discipline and, as a more appropriate penalty for the misconduct committed, respondent's license to practice as a physician in the State of New York be suspended for one year upon the charge of which respondent is guilty, that execution of said suspension be stayed, and respondent be placed on probation for one year under the following terms:

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
  - a. That respondent, during the period of probation,

shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;

- b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
- c. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and
- d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) respondent is

currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents;

and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

**and it is**

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

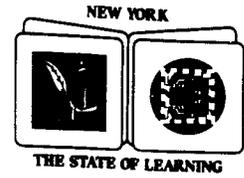
ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

GERALD GREENWALD (9881/8402)

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 29<sup>th</sup> day of

*June*, 1990.  
*Thomas Sobol*

Commissioner of Education



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

November 8, 1989

Gerald Greenwald, Physician  
P.O. Box 163300  
Miami, Florida 33116

Re: License No. 103988

Dear Dr. Greenwald:

Enclosed please find Commissioner's Order No. 9881/8402. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations

By:

MOIRA A. DORAN  
Supervisor

DJK/MAD/mn  
Enclosures

CERTIFIED MAIL- RRR

cc:



# The University of the State of New York

IN THE MATTER

OF

**GERALD GREENWALD**  
(Physician)

**DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NOS. 9881/8402**

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Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar Nos. 9881/8402, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (October 13, 1989):** That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of GERALD GREENWALD, respondent, be accepted; that respondent is guilty of the charge, to the extent indicated by the Regents Review Committee, by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty; that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

GERALD GREENWALD (9881/8402)

and it is

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this *20<sup>th</sup>* day of *October* 1989.

*Thomas Sobol*

Commissioner of Education

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**GERALD GREENWALD**

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**CALENDAR NOS. 9881/8402**



# The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

**GERALD GREENWALD**

**No. 9881/8402**

who is currently licensed to practice as  
a physician in the State of New York.

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## Report of the Regents Review Committee

GERALD GREENWALD, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On August 9, 1989, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Anthony Z. Scher, Esq. E. Marta Sachey, Esq., represented the Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be revoked.

Respondent's recommendation as to the penalty to be imposed, should respondent be found guilty, was that, on the charges pertaining to advertising violations, there be a remand to the

**GERALD GREENWALD (9881/8402)**

Department of Health for issuance of an administrative warning or referral to a violations committee, and on the Florida disciplinary conviction respondent's license to practice as a physician in the State of New York be suspended for two years, and that execution of said suspension be stayed and respondent be placed on probation for two years.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

**FINDINGS OF FACT**

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent has been found guilty, after an administrative hearing in the State of Florida, of improper professional practice and professional misconduct by a duly authorized professional disciplinary agency of another state, which would, if committed in New York State, constitute professional misconduct under New York Education Law §6509(9) and 8 NYCRR §29.1(b)(12)(i)(a) --advertising that is false, deceptive, or misleading-- and New York Education Law §6509(2) --practicing the profession fraudulently-- as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven, to the extent indicated in this report, by a preponderance of the evidence and respondent is guilty thereof.

We note that we do not accept respondent's contention that there is no fraudulent practice present here. The Florida administrative decision refers to respondent's conduct as deceptive or fraudulent and we find that this is the legal equivalent of the fraudulent practice of a profession set forth in New York Education Law §6509(2).

We also note that we need not address respondent's arguments as to respondent's being found guilty by a Florida administrative agency of a conviction of a crime. Petitioner has only generally cited to New York Penal Law §100 et. seq. as a means of establishing an equivalent New York State crime. Such a general citation is insufficient to sustain petitioner's burden of proof in establishing that there is an equivalent New York crime. We will not speculate on what particular section of the Penal Law, if any, might constitute an equivalent crime. Dragan v. Commissioner of Education, 142 A.D.2d 846, 530 NYS2d 896 (3rd Dept. 1988). Accordingly, we do not sustain any part of the charge relating to New York Education Law §6509(5)(a)(iii).

GERALD GREENWALD (9881/8402)

**RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED**

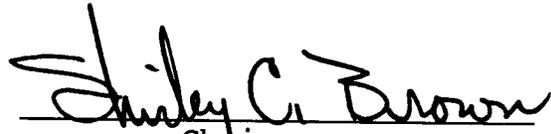
Respondent's license to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty, as aforesaid. Respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein; but said application shall not be granted automatically.

Respectfully submitted,

SHIRLEY C. BROWN

MELINDA AIKINS BASS

SIMON J. LIEBOWITZ

  
Chairperson

Dated: September 14, 1989

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
GERALD GREENWALD, M.D. : CHARGES  
-----X

The State Board for Professional Medical Conduct, upon information and belief, charges and alleges as follows:

1. GERALD GREENWALD, M.D. hereinafter referred to as the Respondent, was authorized to engage in the practice of medicine in the State of New York on July 7, 1969 by the issuance of License Number 103988 by the State Education Department.

2. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1986 through December 31, 1988 from Dadeland Medical Building, 7400 N. Kendall Drive, Miami, Florida 33156.

3. The Respondent herein is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509 (McKinney 1985) as set forth in the attached Specification.

SPECIFICATION

4. The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(b) (McKinney 1985), 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:

The State of Florida Board of Medical Examiners by Order, filed July 3, 1986, adopting a Recommended Order, dated April 10, 1986, determined, inter alia, that:

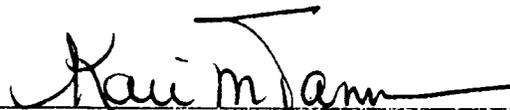
- (i) Respondent advertised in a false, deceptive, or misleading manner by advertising that he provided both Collagen and Silicone treatments, when, in fact, Collagen treatments were not available at Respondent's office and Respondent had no intention of making Collagen treatments available.
- (ii) Respondent, based upon the criminal case of The State of Florida v. Gerald Greenwald (Docket § 84-22607) (Cir. Ct. Dade Co. Crim. Div.) in which Respondent entered a plea of no contest to the charge of solicitation to commit first

degree murder, was convicted of a crime which directly relates to the ability to practice medicine. More specifically, the Florida Board determined that Respondent solicited an undercover detective posing as a patient to murder his former wife.

The Florida Board ordered, inter alia, that Respondent pay an administrative fine of \$1,250.00 and revoked Respondent's license to practice in the State of Florida.

DATED: Albany, New York

Jan. 29, 1988



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KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

REPORTS OF THE  
RIGBY COMMITTEE

GERALD GREENWALD

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CALENDAR NOS. 9881/8402