



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

September 8, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Everett Kotler, M.D.
616 Dawes Highway
Pompton Lakes, New Jersey 07442

RE: License No. 090522
Effective Date: 9/15/94

Dear Dr. Kotler:

Enclosed please find Order #BPMC 94-181 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.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 : ORDER
EVERETT KOTLER, M.D. : BPMC #94-181

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Upon the Application of EVERETT KOTLER, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

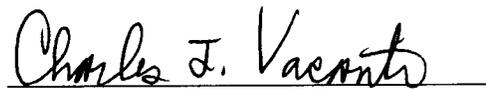
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

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 take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 3 September 1994



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
EVERETT KOTLER, M.D. : LICENSE

-----X

STATE OF NEW JERSEY)

SS.:

COUNTY OF PASSAIC)

EVERETT KOTLER, M.D., being duly sworn, deposes and says:

On or about June, 1963, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 090522 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one 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 permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully

defend against the allegations. (ie. The fact of the New Jersey discipline.)

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application 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 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 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 grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

Everett Kotler

EVERETT KOTLER, M.D.
Respondent

Sworn to before me this
28th day of August 1994

Madeline C. Vizzo
NOTARY PUBLIC

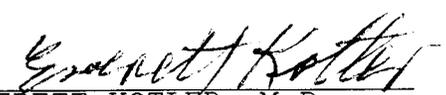
MADDALENE C. VIZZO
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES APRIL 01, 1994

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

-----X
IN THE MATTER : APPLICATION TO
OF : SURRENDER
EVERETT KOTLER, M.D. : LICENSE
-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 8/26, 1994


EVERETT KOTLER, M.D.
Respondent

Date: 8/26, 1994


ED ENGELHART, Esq.
Attorney for Respondent

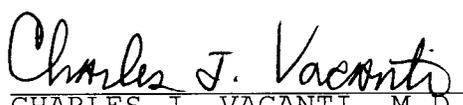
Date: 9/1, 1994


KAREN EILEEN CARLSON
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 9/7, 1994


KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 3 September, 1994


CHARLES J. VACANTI, M.D.
Chairperson, 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 : NOTICE OF
OF : REFERRAL
EVERETT KOTLER, M.D. : PROCEEDING

-----x

TO: Everett Kotler, M.D.
616 Dawes Highway
Pompton Lakes, New Jersey 07442

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 5th day of October, 1994 at 10:00 a.m. in the forenoon of that day at the New York State Cultural Education Building, Concourse Level, Conference Room B, Empire State Plaza, Albany, New York 12230.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the

nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before Septmeber 21, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 21, 1994 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in

writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
August 15, 1994

Peter D. Van Buren

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

Inquiries should be addressed to:

Karen Eileen Carlson
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2429
Empire State Plaza
Albany, New York 12237
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT
OF : OF
EVERETT KOTLER, M.D. : CHARGES

-----X

Everett Kotler, M.D., the Respondent, was authorized to practice medicine in New York State on June, 1963 by the issuance of license number 090522 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department from 616 Dawes Highway, Pompton Lakes, New Jersey.

FACTUAL ALLEGATIONS

1. On or about February 9, 1994, the New Jersey State Board of Medical Examiners [hereinafter, "the Board"], pursuant to a Consent Order entered into with Respondent, reprimanded and restricted Respondent's license to practice medicine for conduct involving prescribing controlled substances to patients in excessive amounts.
2. More specifically , Respondent was reprimanded for the following conduct:
 - prescribing sympathomimetic amines to a patient and failing to maintain thorough and adequate patient records, in violation of New Jersey Statute section 45:1-13 [prescribing or dispensing a controlled substance in an indiscriminate manner]

- failing to monitor patients via laboratory testing
3. The Board placed the following restrictions and limitations on Respondent's license:
- Respondent may not continue to prescribe more than a one week supply of Controlled Dangerous Substances for weight control purposes to a patient without having reviewed results of recent blood tests performed by an independent biomedical laboratory; blood testing must be continued once every nine months; copies of all laboratory reports must be maintained in patient's file.
 - Respondent may not prescribe any Controlled Dangerous Substances to a patient unless that patient is either at least 20% overweight or establishes to the doctor that he or she is not underweight.
 - Labels on any dispensed medication must contain all information required by law.
 - Patient records must indicate the physical examination performed, positive findings noted, medications prescribed, including dosages and frequency, and all records must be legible.
 - Respondent is limited to prescribing only the dosage of medication indicated in the patient's records
 - Respondent must not prescribe any sympathomimetic amines to a patient who is found to be hypertensive.
 - Respondent must allow periodic inspections of his professional premises, records, and drug storage area at any time.
4. The conduct resulting in the restrictions and limitations on Respondent's license would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §6530(32) (McKinney Supp. 1994) [failing to maintain a record for each patient

which accurately reflects the evaluation and treatment of the patient].

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) by reason of having had his license to practice medicine revoked, suspended or having other disciplinary action taken or having his application for a license refused, revoked, or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license 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 1 through 4.

DATED: *August 15*, 1994

Albany, New York

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