



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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NYS Department of Health

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Office of Professional Medical Conduct

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Vice Chair

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

Public

October 17, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Randell A. Nuschke, M.D.
29 Mockingbird Street
Petersburg, NJ 08270

Re: License No. 157251

Dear Dr. Nuschke:

Enclosed is a copy of Order #BPMC 05-227 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 24, 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

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

IN THE MATTER

SURRENDER

OF

ORDER

**RANDELL A. NUSCHKE, M.D.
CO-05-05-2758-A**

BPMC No. #05-227

RANDELL A. NUSCHKE, M.D., says:

On or about January 31, 1984, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 157251 by the New York State Education Department. I currently reside at 29 Mockingbird Street, Petersburg, NJ 08270.

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 six (6) specifications 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 six (6) specifications set forth in the Statement of Charges (Exhibit A).

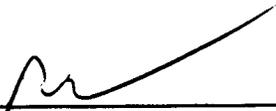
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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.

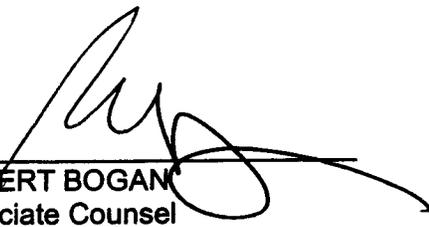
Date: 10/7/05, 2005



RANDELL A. NUSCHKE, M.D.
Respondent

AGREED TO:

Date: 11 Oct 2005, 2005



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 12 Oct 2005, 2005



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

IN THE MATTER
OF
RANDELL A. NUSCHKE, M.D.
CO-05-05-2758-A

STATEMENT
OF
CHARGES

RANDELL A. NUSCHKE, M.D., the Respondent, was authorized to practice medicine in New York state on January 31, 1984, by the issuance of license number 157251 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about January 22, 1971, in the Court of Common Pleas, Montgomery County, Pennsylvania, Respondent was found guilty, based on a plea of guilty, of larceny, a crime, and was sentenced to pay a \$100.00 fine.
- B. On or about June 30, 1983, Respondent prepared and submitted to the New York State Education Department, a Petition for a Professional License (Medicine) wherein he falsely answered "No" to question "8. Have you ever been convicted of a crime (felony or misdemeanor) in any state or country?"
- C. On or about March 24, 2004, the North Carolina Medical Board (hereinafter "North Carolina Board"), by a Consent Order (hereinafter "North Carolina Order"), granted Respondent a full and unrestricted license to practice medicine, suspended the license for thirty (30) days and stayed the suspension, based on providing a false answer, making a false statement or representation to the North Carolina Board on an application for a medical license.
- D. On or about April 12, 2005, 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 Final Order of Discipline (hereinafter "New Jersey Order"), suspended Respondent's license to practice medicine for thirty (30) days and stayed the suspension, based on obtaining a license issued by the New Jersey Board through fraud, deception, misrepresentation, false promise or false pretense, and the North Carolina disciplinary action set forth in Paragraph A, above.

E. The conduct resulting in the North Carolina Board 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(1) (obtaining the license fraudulently); and/or
2. New York Education Law §6530(20) (moral unfitness).

F. The conduct resulting in the New Jersey Board 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(1) (obtaining the license fraudulently);
2. New York Education Law §6530(9)(b) (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);
3. New York Education Law §6530(9)(d) (having his license to practice suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension of other disciplinary action would, if committed in New York state, constitute misconduct under the laws of New York state); and/or
4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(1) by obtaining the license fraudulently, in that Petitioner charges:

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

SECOND AND THIRD SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(b) by 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 Petitioner charges:

2. The facts in Paragraphs A , C, and/or E.
3. The facts in Paragraphs A, C, D, E, and/or F.

FOURTH AND FIFTH SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(d) by having his license to practice suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

4. The facts in Paragraphs A, C, and/or E.
5. The facts in Paragraphs A, C, D, E, and/or F.

SIXTH SPECIFICATION

Respondent violated New York Education Law §6530(20) moral unfitness, in that Petitioner the charges:

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

DATED: *October 3*, 2005
Albany, New York


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

ORDER

Upon the proposed agreement of **RANDELL A. NUSCHKE, 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: 10-14, 2005


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