

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 6, 1992

David Allan Gluck, Physician  
275 West 96th Street, Apt. 16F  
New York, New York 10025


Re: Application for Restoration

Dear Dr. Gluck:

Enclosed please find the Commissioner's Order regarding Case No. 11097 which is in reference to Calendar No. 0011018. This order and any decision contained there in goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations

By:   
Gustave Martine  
Superisor

RECEIVED

NOV 20 1992

OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

The University of the State of New York  
Education Department



IN THE MATTER

of the

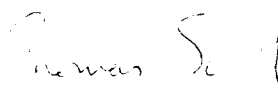
Application of DAVID ALLEN GLUCK  
for restoration of his license to practice  
medicine in the State of New York

Case No. 11097

It appearing that the license of DAVID ALLEN GLUCK, 275 West 96th Street, Apt. 16F, New York, New York 10025, to engage in the practice of medicine in the State of New York, was revoked by action of the Board of Regents on May 20, 1988, and he having applied for the restoration of said license, and the Regents having stayed the order of revocation and placed petitioner on probation for a period of five years under certain terms and conditions, and petitioner now having applied for modification of one of the terms and conditions of probation, and the Regents having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on October 16, 1992, it is hereby

ORDERED that the petition for modification of the terms and conditions of probation of DAVID ALLEN GLUCK, license No. 108577, is granted to the extent that term number 5 of the terms and conditions of probation is modified to read as follows: 5. That any practice by petitioner be limited to facilities authorized to operate pursuant to Article 28 of the Public Health Law, that petitioner shall not be authorized to engage in any private practice, and shall not be authorized to prescribe Schedule II drugs, except that he shall be able to write in-patient orders for his patients at St. Luke's/Roosevelt Hospital Center under the hospital's D. E. A. number.

IN WITNESS WHEREOF, I, THOMAS SOBOL,  
Commissioner of Education of the State of New  
York, for and on behalf of the State Education  
Department, do hereunto set my hand and affix  
the seal of the State Education Department at  
the City of Albany, this 2<sup>nd</sup> day of October, 1992.

  
Commissioner of Education

It appearing that the license of DAVID ALLEN GLUCK, 275 West 96th Street, Apt. 16F, New York, New York 10025, to engage in the practice of medicine in the State of New York, having been revoked by action of the Board of Regents on May 20, 1988, and he having petitioned for restoration of his license, and the Regents having voted to stay the order of revocation and place petitioner on probation for a period of five years under certain terms and conditions, and he having applied for modification of one of the terms and conditions of probation, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on October 16, 1992, it was

VOTED that the recommendation of the Committee on the Professions be accepted, that term No. 5 of the terms and conditions for probation be modified to read as follows: 5. That any practice by petitioner be limited to facilities authorized to operate pursuant to Article 28 of the Public Health Law, that petitioner shall not be authorized to engage in any private practice, and shall not be authorized to prescribe Schedule II drugs, except that he shall be able to write in-patient orders for his patients at St. Luke's/Roosevelt Hospital Center under the hospital's D. E. A. number.

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Reconsideration of the Terms of Probation

Re: **David A. Gluck**  
275 West 96th Street, Apt. 16F  
New York, New York 10025

Not represented by counsel

Dr. David A. Gluck was licensed to practice medicine in New York State on May 17, 1971. On January 7, 1986 and June 18, 1986, respectively, Dr. Gluck was convicted of violating both New York Penal Law and Federal Law. The criminal convictions involved the sale of controlled substances which Dr. Gluck said he became involved in as a result of his addiction to gambling. On May 20, 1988 the Board of Regents voted to revoke Dr. Gluck's license. A court stay of revocation was obtained. It was vacated September 12, 1988 and the revocation became effective on that date. On October 10, 1989, Dr. Gluck petitioned for the restoration of his license. On August 22, 1990, a Peer Review Panel (Iraj, Zwanger, Jordan) recommended that the Regents stay the order of the Commissioner revoking his license, and that Dr. Gluck be placed on probation for five years. The Committee on the Professions (Fernandez, Cantres, Sauer) recommended that the Regents accept the recommendation of the Peer Panel along with additional conditions to the terms of probation. On January 23, 1991, the Board of Regents stayed the revocation of Dr. Gluck's license and put him on probation for five years under specified terms and conditions, effective March 6, 1991.

Among the terms of probation was the requirement that Dr. Gluck be prohibited from prescribing Schedule II drugs. By letter, dated April 22, 1992, to the Executive Director of the Office of Professional Discipline, Dr. Gluck requested that such term be amended to allow him to prescribe pain relievers for patients who are in labor or who are post-operative. Dr. Gluck noted that these would be in-patient orders and not prescriptions that the patients would be taking to outside pharmacies. Dr. Gluck stated that these situations have occurred on an average of five to ten times a month over the past year.

The Office of Professional Medical Conduct was contacted and confirmed that Dr. Gluck has been fulfilling the requirements of his probation to date.

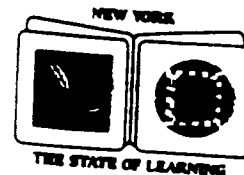
On August 11, 1992 the Committee on the Professions (Cantres, Fernandez, Sauer) met and considered Dr. Gluck's request to modify the terms of his probation. The Committee considered the fact that Dr. Gluck is working in a hospital environment and the practical considerations of providing service to his patients while in this controlled environment. Under these circumstances the Committee voted unanimously to recommend to the Board of Regents the modification of term 5 of Dr. Gluck's probation to read:

"That any practice by petitioner shall be limited to facilities authorized to operate pursuant to Article 28 of the Public Health Law, that petitioner shall not be authorized to engage in any private practice, and shall not be authorized to prescribe Schedule II drugs, except that he shall be able to write in-patient orders for his patients at St. Lukes/Roosevelt Hospital Center under the Hospital's DEA number."

Lizette A. Cantres, Chair

Henry A. Fernandez

Richard J. Sauer



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12241  
OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

**RECEIVED**

MAR 26 1991

Office of Professional  
Medical Conduct

March 1, 1991

David A. Gluck, Physician  
275 West 96th Street, Apt. 16F  
New York, NY 10025

Re: License Number 108577

Dear Dr. Gluck :

Enclosed please find Commissioner's Order No.11097 which is in reference to Calendar No.0011018 . This Order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

*Gustave Martine*  
GUSTAVE MARTINE  
Supervisor

DJK/GM/mah  
Enclosures

CERTIFIED MAIL - RRR

The University of the State of New York  
Education Department



IN THE MATTER

of the

Application of DAVID A. GLUCK for  
restoration of his license to practice  
medicine in the State of New York

Case No. 11097

It appearing that the license of DAVID A. GLUCK, 275 West 96th Street, Apt. 16F, New York, New York 10025, to engage in the practice medicine in the State of New York, was revoked by action of the Board of Regents on May 20, 1988, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on January 23, 1991, it is hereby

ORDERED that the recommendation of the Committee on the Professions is accepted, and that the petition for restoration of license No. 108577, authorizing DAVID A. GLUCK to practice medicine in the State of New York, is denied, that the Order revoking said license is stayed, and said DAVID A. GLUCK is placed on probation for a period of five years under certain terms and conditions.

IN WITNESS WHEREOF, I, THOMAS SOBOL,  
Commissioner of Education of the State of New  
York, for and on behalf of the State Education  
Department, do hereunto set my hand and affix  
the seal of the State Education Department at  
the City of Albany, this 25<sup>th</sup> day of February,  
1991.

*Thomas Sobol*

Commissioner of Education

Case No. 11097

It appearing that the license of DAVID A. GLUCK, 275 West 96th Street, Apt. 16F, New York, New York 10025, to practice medicine in the State of New York, having been revoked by action of the Board of Regents on May 20, 1988, and said DAVID A. GLUCK having petitioned the Regents for restoration of said license, and the Regents having given consideration to said petition, now, pursuant to action taken by the Board of Regents on January 23, 1991, it was

VOTED that the recommendation of the Committee on the Professions be accepted, that the petition for restoration of license No. 108577, authorizing DAVID A. GLUCK to practice medicine in the State of New York, be denied, but that the Order revoking said license be stayed, and that said DAVID A. GLUCK be placed on probation for a period of five years under certain terms and conditions.



## TERMS AND CONDITIONS

1. That petitioner, during the period of probation, shall act in all ways in a manner befitting petitioner's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by petitioner's profession;
2. That petitioner shall submit written notification to the Director, Office of Professional Medical Conduct, Corning Tower, Room 438, Empire State Plaza, Albany, NY 12237, of any employment and practice, of residence and telephone number, of any change in employment, practice, residence, or telephone number within or without the State of New York;
3. That petitioner shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that petitioner has paid all registration fees due and owing to the NYSED and petitioner 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 petitioner to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. That petitioner shall submit written proof to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) petitioner is currently registered with the NYSED, unless petitioner submits written proof that petitioner has advised DPLS, NYSED, that petitioner is not engaging in the practice of petitioner's profession in the State of New York and does not desire to register, and that 2) petitioner has paid any fines which may have previously been imposed upon petitioner 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;
5. That any practice by petitioner shall be limited to facilities authorized to operate pursuant to Article 28 of the Public Health Law, that petitioner shall not be authorized to engage in any private practice, and shall not be authorized to prescribe Schedule II drugs.
6. That petitioner must disclose to any other jurisdiction in which he may make application for licensure the full terms of his probation in the State of New York.
7. That in the event petitioner's employment with a facility operating pursuant to authority granted under Article 28 of the Public Health Law is terminated for any reason related to his professional performance or personal behavior, he must immediately surrender his license to practice medicine in the state of New York.

8. That so long as there is full compliance with every term herein set forth, petitioner may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with or any other violation of the aforementioned terms of probation, the Director, Office of Professional Medical Conduct may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law.

Case Number 11097  
November 7, 1990

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions

Re: David A. Gluck  
275 West 96th Street, Apt. 16F  
New York, New York 10025

David A. Gluck petitioned for restoration of his license to practice medicine which was revoked, effective September 12, 1988. The chronology of events in this matter is as follows:

- 05/17/71 Licensed to practice medicine in New York State.
- 04/30/88 Regents Review Committee recommended that license be revoked. (See "Disciplinary History.")
- 05/20/88 Regents voted revocation.
- 06/29/88 Commissioner's Order served but Court Order issued staying revocation.
- 09/12/88 Stay vacated and revocation effective.
- 10/10/89 Petition for restoration submitted. (See "Petition for Restoration.")
- 06/22/90 Peer Panel restoration review. (See "Report and Recommendation of Peer Review Panel.")
- 08/22/90 Report of Peer Review Panel.
- 11/07/90 Report of personal appearance and recommendation of the Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

**Disciplinary History.** On or about January 7, 1986 Dr. Gluck pleaded guilty to violating New York Penal Law and was convicted of conspiracy in the fourth degree, in that he conspired with other individuals over a five-month period to engage in the criminal sale of a controlled substance. He was sentenced to five years probation with gambling therapy as one of the terms of probation.

On or about June 18, 1986 Dr. Gluck pleaded guilty to and was convicted of violating Federal law in that he unlawfully, knowingly, and intentionally did combine, conspire, confederate,

and agree together with others to possess, distribute and dispense approximately forty-eight thousand 4 milligram tablets of Dilaudid.

On or about November 10, 1987 Dr. Gluck was sentenced to a six-year suspended sentence, five of those years to be probation; the first three months to be spent at a Community Treatment Center, the next thirty-three months to be spent under House Arrest and for the last two years he was to perform two hundred hours of community service each year. Throughout the period of probation he was to attend Gamblers Anonymous.

In 1987 the Department of Health preferred charges of professional misconduct against Dr. Gluck. The Regents Review Committee (Griffith, Bolin, Picariello), on April 30, 1988, recommended that Dr. Gluck's license be revoked, and on May 20, 1988 the Regents voted revocation. A court stay of revocation was obtained. It was vacated September 12, 1988 and the revocation became effective on that date.

Petition for Restoration. On October 10, 1989 Dr. Gluck submitted a petition for restoration in which he outlined the criminal charges of which he was convicted.

Dr. Gluck stated that the "convictions involved the sale of controlled substances in order to support or to pay debts previously incurred as a result of my addiction to gambling."

Maintaining that the last bet he made was on February 28, 1986 when he purchased a New York State lottery ticket, Dr. Gluck said that he has not engaged in any gambling activities since that time.

Dr. Gluck described the ways in which he has attempted to control his gambling addiction and testified that since January 1986 he has attended meetings of Gamblers Anonymous at least once a week and is in telephone contact with members on an as-needed basis. He stated that since 1987 he has participated, bi-weekly, as a counselor and lecturer at the Stuyvesant Square Program which is an in-patient drug and alcohol program. He noted that this program has been therapeutic to him and, hopefully, to those he counseled.

In addition, Dr. Gluck said that since October 1988 he has met at intervals ranging from weekly, in the beginning, to the current once a month with Dr. Stephan Sorrell for addiction therapy. He also said that since early 1988 he has been a representative to the New York Intergroup which is the administrative group for Gamblers Anonymous. Dr. Gluck testified that he has attended workshops for impaired physicians, has spoken before Gamblers Anonymous and related groups such as the New Jersey State Council for Compulsive Gambling, and has appeared on television and radio on behalf of Gamblers Anonymous.

Dr. Gluck also said that he has received weekly treatment from a compulsive gambling therapist, Linda Berman, since November 1988. He indicated that all of these activities have been monitored by the Committee for Physicians Health of the New York State Medical Society since October 24, 1988 and included copies of his attendance records at the various groups and with the individuals.

Dr. Gluck listed the medical journals which he indicated that he regularly reads, and included copies of certificates of completion of continuing medical education. In addition to the required supporting affidavits, Dr. Gluck submitted personal letters from ten individuals who support the restoration of his license.

Report and Recommendation of Peer Panel. The report of the Peer Review Panel (Iraj, Zwanger, Jordan), dated August 22, 1990, indicated that they met on June 22, 1990 to consider the restoration petition. Dr. Gluck appeared personally and was represented by Robert S. Asher, Esq. The report reviewed Dr. Gluck's disciplinary history and his petition for restoration.

Mr. Asher began by stating that for the last ten years gambling has been defined as an addiction and that it is a fairly new problem with physicians.

Dr. Richard S. Blum, Administrator of the Committee for Physicians' Health of the Medical Society of the State of New York, testified about his own extensive background in addictive behavior, especially drug abuse. Dr. Blum stated that after Dr. Gluck's license was revoked, petitioner contacted him in order to keep current in medicine and that he provided Dr. Gluck with referrals to paramedic positions. Dr. Blum said that he supported the restoration but that Dr. Gluck should be monitored and continue with therapy, including one-on-one, self-help, and group. He suggested that the Committee for Physicians' Health monitor Dr. Gluck for at least two years and that such monitoring include Dr. Gluck's medical practice and his dispensing of medications.

Responding to questions from Ms. Gina Peca, Esq., the Department's representative, Dr. Blum stated that people with a gambling addiction should realize that it is a continuing problem, should stay away from gambling, and should not walk into the lion's den.

Linda Berman, C.S.W., testified citing her years of experience including her present position as Program Coordinator of the Westchester Jewish Community Services Compulsive Gambling Program. Ms. Berman described various methods used for treating gambling addicts, both behavioral and psychological. She commented on an excerpt from DSM-III regarding pathological gambling, which was

submitted as an exhibit and then reiterated her treatment of Dr. Gluck as set forth in her treatment summary which was also admitted into evidence. Ms. Berman stated that she has seen Dr. Gluck weekly since December 1988 and that there has been no evidence of drug or alcohol abuse and that he is cooperative and highly motivated.

Continuing, Ms. Berman explained that, with gamblers, the gambling is separated from the consequences of gambling but that with Dr. Gluck the consequence is now intricately tied to the gambling, which in itself is a deterrent. Ms. Berman stated that Dr. Gluck has developed coping abilities for the underlying issues and said that she is hopeful about his recovery and recommended lifelong continuation with Gamblers Anonymous and individual and marital treatment for an indeterminate period of time. In response to questions from Ms. Peca, Ms. Berman explained that in order to determine whether or not someone has gone back to gambling, you watch for hidden signs, that the family should be educated to the mood of the gambler and that there should be strict control of the finances. Ms. Berman said that Dr. Gluck's wife is being made aware of these things and is cooperative and a good student.

The Panel asked Ms. Berman what effect an increased income might have on Dr. Gluck regarding gambling. She stated that money is not the issue, that it relates to pain management and enhancement of life.

Dr. David B. Crawford then testified stating that he has known petitioner since 1988 and believes that he is qualified and competent as a physician. He described Dr. Gluck's voluntary attendance at teaching rounds at Roosevelt Hospital and of that Hospital's willingness to have Dr. Gluck placed on staff. Dr. Crawford stated that he would be willing to help and would monitor Dr. Gluck's prescriptions and review records, if a mechanism were available.

Dr. Gluck began his testimony with an explanation of the circumstances which led to his conviction. He stated that he had been in California, engaged in a more lucrative medical practice and when he came to New York he continued wagering and began losing a great deal of money. He explained that he could not get the same feeling by betting less and therefore his bets far exceeded the money that he was earning and he was unable to pay the losses. He stated that the more he lost, the more he bet, until eventually he sought loans from loan sharks.

Dr. Gluck detailed his experience with Gamblers Anonymous starting in 1980 and described gambling as an illness, doing things on Tuesday that on Monday had been unthinkable. He then talked about trading triplicate prescriptions for credit with a loan shark who was also a bookmaker. Dr. Gluck maintained that toward the end it was no longer enjoyable and that after his arrest, the night in

jail was probably the worst of his life and that chance to reflect on his actions. He said that the many ways, the best thing that ever happened to him.

Dr. Gluck said that he feels badly about his daughter because they were innocent bystanders and about being the public trust as a physician. He contended that he has made of every available tool in his effort not to return to gambling and that he feels healthier each day.

Dr. Gluck spoke about his relationship with Dr. Blum and his efforts to keep abreast in his profession. He emphasized that his gambling did not have an effect on his patients. Dr. Gluck elaborated on his involvement with Gamblers Anonymous and stated that he is responsible for the things he did but feels that what he did was due to the disease of compulsive gambling.

Admitting that, on rare occasions, he has noticed stress in himself and a pull towards gambling, Dr. Gluck stated that because of the legal ramifications of his criminal conduct he grasped the Program more strongly, rather than gamble.

Concluding, Dr. Gluck said that he does not have a drug or alcohol problem and that he has opportunities available to him for employment as a physician.

Another member of the Committee for Physicians' Health, Sandra Klempler, C.S.W., also testified stating that Dr. Gluck has done all that has been required of him by the Committee and recommended that his license be restored with conditions including continued therapy, monitoring of his Gamblers Anonymous attendance, and monitoring of his finances.

In making its determination, the Panel noted that it took a very serious view of Dr. Gluck's criminal conduct and of the addictive forces that drove him to it. They believe, however, that he has made an equally serious attempt to regain control of his life and they were impressed with his forthright confrontation of his problem and with the steps that he has taken to minimize the chances that he will again be swept up in the gambling world. Therefore, they recommended unanimously that his license be restored. However, in light of the nature of Dr. Gluck's addiction and the difficulty of measuring his recovery, they recommended further that he be placed on probation for five years. Included in the recommended terms of probation were monitoring of both his gambling addiction program and his medical practice.

Recommendation of the Committee on the Professions. Dr. David A. Gluck, accompanied by his attorney, Mr. Robert S. Asher, Esq., appeared before the Committee on the Professions (Fernandez, Cantres, Sauer) on November 7, 1990.

On May 20, 1988 Dr. Gluck's license to practice in New York was revoked by the Board of Regents upon a Dr. Gluck committed an act constituting a crime (to engage in the criminal sale the schedule II controlled Dilaudid.) On October 10, 1989, Dr. Gluck applied restoration of his license. In a decision dated August 22, a Peer Panel of the State Board for Medicine unanimously recommended that the application for restoration of licensure practice as a physician in the State of New York be granted and that execution of the Commissioner's Order No. 8338 be stayed, and that Dr. Gluck be placed on probation for a period of five years under specific terms of probation.

In his appearance before the Committee on the Professions Dr. Gluck explained his addiction to gambling and the criminal behavior this led him to engage in. He stated that he hasn't gambled in 4 1/2 years and has developed a better understanding of why his behavior got out of control. He said that he is now better able to deal with pressures and seeks advice when he never did before. He believes that his therapy has helped to rehabilitate him.

Dr. Gluck explained that when he was gambling it was the excitement from betting not winning that give him a high. He said that it was a feeling that he craved. Compulsive gamblers can never win, he stated, because they always will bet more no matter how much they win.

The Committee inquired about the prescriptions Dr. Gluck had sold to satisfy his gambling debts. The Committee noted that these prescriptions were for Dilaudid, which is a Schedule II pain killer (highly addictive). When asked if he knew what would happen to a person who overindulged in Dilaudid, Dr. Gluck replied that he did not know. Even in follow-up discussions, Dr. Gluck stated that he did not know the effect of an overdose of this drug.

While the Committee on the Professions concurs with the Peer Panel that the applicant has made serious attempts to overcome the forces of gambling and regain control of his life, his failure to describe the potential effects of an overdose of Dilaudid is troubling. Either he does not know the effects or he does not want to admit to the potential serious consequences of his earlier actions. Accordingly, it is the unanimous recommendation of the Committee on the Professions to concur with the Peer Panel review but to add three additional conditions to the terms of probation. Specifically, the probationary conditions would also include:

- 1.h. That Dr. Gluck's practice shall be limited to a facility specified in Article 28 of the Public Health Law, with no private practice, and no privileges for Schedule II drugs.

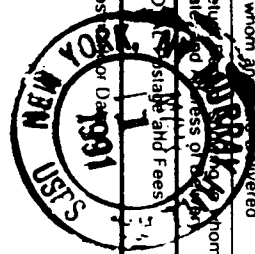


RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

P 521 639 724

The University



Sent to	David A. Gluck, Ph.D.
Address	275 West 96th St., Apt 16F
City, State and Zip Code	New York, NY 10025
Postage	\$1.21
Certified Fee	1.00
Special Delivery Fee	
Restrictive Fee	250
Return Receipt Showing to whom delivered	
Relief from Postage and Fees	1.35
Postage for Date	6.06

(REST.)  
 IN THE MATTER  
 OF  
 DAVID A. GLUCK  
 PHYSICIAN

STATE OF NEW YORK )  
 ) SS.:  
 COUNTY OF NEW YORK )

Michele A. Haughton being duly sworn, deposes and says:

I am over the age of twenty-one years and am an employee of the New York State Education Department, One Park Avenue, 6th Floor, New York, New York 10016-5802.

On the 1st day of March, 1991, I personally delivered to the Murray Hill Postal Station, the Vote of the Board of Regents, and the Duplicate Original Order of the Commissioner of Education No. 11097, Cal. No. 0011018, in the matter of the above-named, by Certified Mail - Return Receipt Requested to the attorney/applicant at

275 West 96th Street, APT. 16F, New York, NY 10025

The effective date of the Order being the 6th day of Mar, 1991.

The Certified Mail Receipt No. being P 521 639 724

Michele A. Haughton

Sworn to before me this

1 day of March 1991

Ronald J. Mastrion

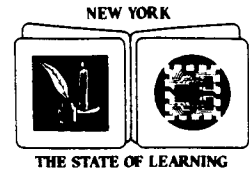
RONALD J. MASTRION  
 Notary Public, State of New York  
 No. 43-4801171  
 Qualified in Richmond County  
 Commission Expires 8-31-91

- 1.i. That he must disclose to any other jurisdiction in which he may make application for licensure the full terms of his probation in New York.
- 1.j. That in the event his employment with an Article 28 facility is terminated, for any reason related to professional performance or personal behavior, he must surrender his license to practice medicine in New York.

Henry A. Fernandez, Chair

Lizette A. Cantres

Richard J. Sauer



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

ASSISTANT COMMISSIONER, OFFICE OF THE PROFESSIONS  
OFFICE OF PROFESSIONAL DISCIPLINE, 622 THIRD AVENUE, NEW YORK, NEW YORK 10017

June 24, 1988

**RECEIVED**

JUL 18 1988

David Gluck, Physician  
145 West 67th Street - Apt. 14D  
New York, NY 10023

OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Re: License No. 108577

Dear Dr. Gluck:

Enclosed please find Commissioner's Order No. 8338. 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/sn  
Enclosures

CERTIFIED MAIL - RRR

cc: Stanley R. Root, Esq.  
50 Broadway - 26th Floor  
New York, NY 10004

REPORT OF THE  
REGENTS REVIEW COMMITTEE

---

DAVID GLUCK

---

CALENDAR NO. 8338



# The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

DAVID GLUCK

No. 8338

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

---

## Report of the Regents Review Committee

DAVID GLUCK, 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 February 1, 1988 respondent did appear and was represented by his attorney, Stanley Roy Root, Esq. Dianne Abeloff, Esq., represented the Office of Professional Medical Conduct of the New York State Department of Health.

We have carefully reviewed and considered the entire record in this matter.

We render the following findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed.

### FINDINGS OF FACT

1. We unanimously find that respondent was licensed to

DAVID GLUCK (8338)

practice as a physician in the State of New York by the New York State Education Department.

2. We unanimously find that respondent was convicted of committing an act constituting a crime (two specifications), as set forth in the statement of charges annexed hereto, made a part hereof, and marked as Exhibit "A", as well as in the record herein.

DETERMINATION AS TO GUILT

We unanimously determine that the charges have been proven by a preponderance of the evidence and that respondent is guilty of the same.

RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED

We unanimously recommend to the Board of Regents that respondent's license to practice as a physician in the State of New York be revoked upon each specification of the charges of which respondent has been found guilty. 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.

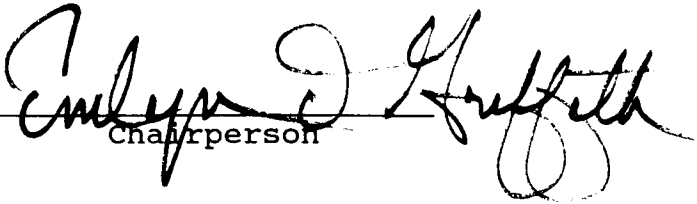
DAVID GLUCK (8338)

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO

  
~~Chairperson~~

Dated:

1/30/88

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

-----X  
: STATEMENT  
IN THE MATTER :  
: OF  
OF :  
: CHARGES  
DAVID GLUCK, M.D. :  
:   
-----X

The Office of Professional Medical Conduct alleges as follows:

1. DAVID GLUCK, M.D., Respondent, was authorized to engage in the practice of medicine in the State of New York on May 17, 1971, by the issuance of license number 108577 by the New York State Education Department.

2. 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 1995 Broadway, New York, N.Y. 10023.

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



FIRST SPECIFICATION

4. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(a)(i) (McKinney 1985) in that he was convicted of committing an act constituting a crime under New York State Law, specifically:

On or about January 7, 1986, Respondent pleaded guilty to and was convicted of violating Penal Law §105.10, conspiracy in the fourth degree, in that he conspired with other individuals over a five-month period to engage in the criminal sale of a controlled substance.

Respondent was sentenced to five years probation. Gambling therapy was one of the terms of probation.

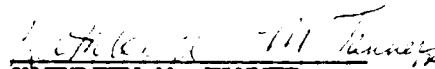
SECOND SPECIFICATION

5. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(a)(ii) (McKinney 1985), in that he was convicted of committing an act constituting a crime under Federal law, specifically:

On or about June 18, 1986, Respondent pleaded guilty to and was convicted of violating 21 U.S.C. §§812, 841(a) (i) and 841(b) (i) (B), in that he unlawfully, knowingly, and intentionally did combine, conspire, confederate, and agree together with others to possess, distribute and dispense approximately 48,000 four milligram tablets of Dilaudid.

On or about November 10, 1987, Respondent was sentenced to a six year suspended sentence. For five of those years the Respondent is to be placed on probation; the first three months to be spent at a Community Treatment Center, the next 33 months to be spent under House Arrest and for the last two years the Respondent must perform 200 hours of community service each year. Throughout the period of probation Respondent must attend Gamblers Anonymous.

DATED: Albany, New York  
December 18, 1987

  
KATHLEEN M. TANNER  
Director  
Office of Professional  
Medical Conduct

Approved May 20, 1988

No. 8338

Upon the report of the Regents Review Committee, the record herein, under Calendar No. 8338, and in accordance with the provisions of Title VIII of the Education Law, it was

Voted: That the report, 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 DAVID GLUCK, respondent, be accepted; that respondent is guilty of the charges 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 each specification of the charges 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.

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

---

**DAVID GLUCK**

---

**CALENDAR NO. 8338**



# The University of the State of New York

IN THE MATTER

OF

DAVID GLUCK  
(Physician)

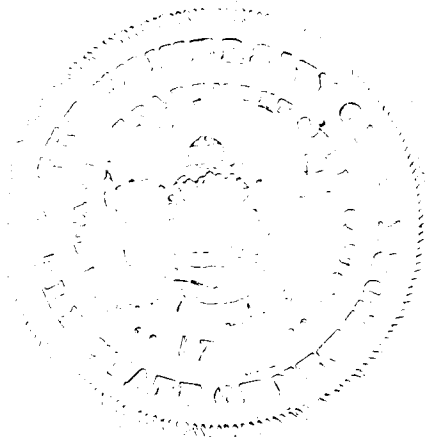
DUPLICATE  
ORIGINAL ORDER  
NO. 8338

---

Upon the report of the Regents Review Committee, under Calendar No. 8338, the record herein, the vote of the Board of Regents on May 20, 1988, and in accordance with the provisions of Title VIII of the Education Law, which report and vote are incorporated herein and made a part hereof, it is

ORDERED that the report, 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 DAVID GLUCK, respondent, be accepted; that respondent is guilty of the charges 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 each specification of the charges of which respondent has been found guilty; and 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 this order, but said application shall not be granted automatically.

DAVID GLUCK (8338)



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

26<sup>th</sup> day of May, 1988.

*Thomas Sobol*

Commissioner of Education