

Approved May 19, 1989

No. 9034

Upon the report of the Regents Review Committee, the record herein, under Calendar No. 9034, 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 GARY A. DRESDEN, 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 suspended for two years upon each specification of the charges of which respondent has been found guilty, said suspensions to run concurrently; that execution of the last 21 months of said suspension be stayed at which time respondent be placed on probation for said last 21 months under the terms prescribed by the Regents Review Committee; 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.



# The University of the State of New York

IN THE MATTER

OF

GARY A. DRESDEN  
(Physician)

ORIGINAL ORDER  
NO. 9034

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Upon the report of the Regents Review Committee, under Calendar No. 9034, the record herein, the vote of the Board of Regents on May 19, 1989, 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 GARY A. DRESDEN, 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 suspended for two years upon each specification of the charges of which respondent has been found guilty, said suspensions to run concurrently; and that execution of the last 21 months of said suspension be stayed at which time respondent be placed on probation for said last 21 months under the terms prescribed by the Regents Review Committee.

GARY A. DRESDEN (9034)



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  
*2nd* day of *June*, 1989.

  
Commissioner of Education



# The University of the State of New York

IN THE MATTER  
of the  
Disciplinary Proceeding  
against

GARY A. DRESDEN

No. 9034

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

GARY A. DRESDEN, 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 December 7, 1988 respondent did appear before us in person and an attorney Anthony Z. Scher, Esq., appeared before us in person to represent respondent. Anna Colello, Esq., represented the Department of Health.

We have reviewed the record in this matter.

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 the State of New York by the New York State Education Department.

GARY A. DRESDEN (9034)

2. Respondent was convicted of committing an act constituting a crime, 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.
3. Respondent has been found guilty of improper professional practice and professional misconduct by a duly authorized professional disciplinary agency of another state, and such conduct would, if committed in New York State, constitute professional misconduct under the laws of New York State, 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

The charges have been proven by a preponderance of the evidence and respondent is guilty of the same.

RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED

Respondent's license to practice as a physician in the State of New York be suspended for two years upon each specification of the charges of which respondent has been found guilty, said suspensions to run concurrently, and that execution of the last 21 months of said suspension be stayed at which time respondent be placed on probation for said last 21 months under the terms of

GARY A. DRESDEN (9034)

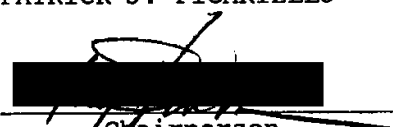
probation set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

Respectfully submitted,

FLOYD S. LINTON

JANE M. BOLIN

PATRICK J. PICARIELLO

  
Chairperson

Dated: 4/14/89

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

-----X AMENDED  
IN THE MATTER : STATEMENT  
OF : OF  
GARY A. DRESDEN, M.D. : CHARGES  
-----X

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

1. GARY A. DRESDEN, M.D. hereinafter referred to as the Respondent, was authorized to engage in the practice of medicine in the State of New York on September 14, 1970 by the issuance of License Number 107263 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 Suite 200A, 6700 Crosswinds Drive, St. Petersburg, Florida 33710.

3. The Respondent herein is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509 (McKinney 1985 and Supp. 1988) as set forth in the attached Specifications.

EXHIBIT "A"

FIRST SPECIFICATION

4. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6509(5)(a)(ii) (McKinney 1985) by reason of his being convicted of committing an act constituting a crime under federal law, in that:

On or about September 27, 1985 in the case of United States of America v. Gary A. Dresden, M.D. (N.D.Ga.) Respondent was convicted, upon his plea of guilt, to conspiracy (adulterated and misbranded drugs) in violation of federal statutes. Specifically, as detailed in the Criminal Information, Respondent sold to co-conspirators sample drugs marked "not for resale" which Respondent had received as a practicing physician to dispense free of charge. These sample drugs subsequently were inventoried and shipped out of state by co-conspirators for removal of sample labeling and packaging under less than good manufacturing practices.

Respondent was sentenced to one year imprisonment, to serve ten days, and the balance suspended. He was placed on probation for thirty-six months with the condition that he perform work for the public good three days per week.

SECOND SPECIFICATION

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



by reason of his being 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 Medicine, pursuant to a Final Order, filed June 19, 1987, determined, based upon Respondent's criminal conviction, detailed above, that Respondent was convicted of a crime which directly relates to the practice of medicine or the ability to practice medicine.

The Board ordered, inter alia, that Respondent's license to practice medicine in Florida be suspended for ninety days and that Respondent be placed on probation for three years, perform one hundred hours of community service and that Respondent pay an administrative fine of \$1,000.

The aforesaid conduct would constitute professional misconduct under New York Law, specifically N.Y. Educ. Law §6509(5)(a)(ii) (McKinney 1985), which defines professional misconduct as being convicted of committing an act constituting a crime under federal law.

DATED: Albany, New York  
*September 21, 1988*

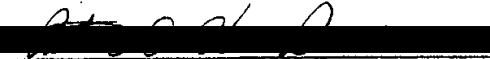
  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical  
Conduct

EXHIBIT "B"

TERMS OF PROBATION  
OF THE REGENTS REVIEW COMMITTEE

GARY A. DRESDEN

CALENDAR NO. 9034

1. That respondent shall be subject to the requirement that respondent make semi-annual visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health unless respondent is not practicing in the State of New York, in which case said employee may make other arrangements for the submission of written proof, for the purpose of determining whether respondent is in compliance and eventually has successfully complied with all the terms, conditions, and provisions of probation imposed upon respondent by the Florida State Board of Medicine and respondent must be in compliance with those terms, conditions, and provisions in order to be in compliance with this term of probation;
2. That, in the event respondent practices medicine in the State of New York, respondent shall be subject to a random selection of his office records, patient records and hospital charges by an employee of and selected by the Office of Professional Medical Conduct of the New York State Health Department for the purpose of reviewing respondent's professional performance;
3. 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.



The University of the State of New York

X-----X

IN THE MATTER

OF

GARY A. DRESDEN

(PHYSICIAN)

X-----X

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

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, 622 Third Avenue, 37th Floor, New York, New York 10017-6756.

On the 16th day of June, 1989, I personally delivered to the Grand Central Station Post Office, the Duplicate Original Order of the Commissioner of Education No. 9034, dated the 2nd day of June, 1989 the Vote of the Board of Regents and the Report of the Regents Review Committee/Application by Certified Mail - Return Receipt Requested to the respondent herein named at c/o Bennett Silberman, Esq., 370 Lexington Avenue, New York, N.Y. 10017 & Anthony Z. Scher, Esq., c/o Wood & Scher, One Chase Road, Scarsdale, N.Y. 10583. The Certified Mail Receipt No. P 924 515 850 & P 924 515 851.

The effective date of the Order being the 21st day of June, 1989.

[Handwritten signature and redacted area]

Sworn to before me this
16th day of June, 1989

[Handwritten signature of William Sachs]

WILLIAM SACHS
NOTARY PUBLIC, State of New York
No. 24-4291854
Qualified in Kings County
Commission Expires January 31, 1991

PS Form 3800, June 1985

6/16/89  
0034 P 924 515 850 \$189/40

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

Gary A. Dresden, Phy.  
c/o Bennett Silberman, Esq.  
370 Lexington Avenue  
New York, NY 10017

Postage \$ .85  
Certified Fee \$ .85  
Special Delivery Fee \$ .00  
Restricted Delivery Fee \$ 2.00  
Return Receipt (copy to whom and address to whom) \$ 1.20  
Return Receipt (copy to whom, date, and address to whom) \$ 1.20  
TOTAL POSTAGE AND FEES \$ 4.90

Postmark: JUN 16 1989

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery.

3. Article Addressed to: Gary A. Dresden, Phy.  
c/o Bennett Silberman, Esq.  
370 Lexington Avenue  
New York, NY 10017

4. Article Number: P924 515 850

Type of Service:  
 Registered  
 Certified  
 Express Mail  
 Insured  
 COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: X  
6. Signature: X  
7. Date of Delivery: 6/19/89

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3871, Feb. 1986 DOMESTIC RETURN RECEIPT

PS Form 3800, June 1985

6/16/89  
0034 P 924 515 851 \$189/40

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

Anthony Z. Scher, Esq.  
c/o Wood & Scher  
One Chase Road  
Scarsdale, NY 10583

Postage \$ .85  
Certified Fee \$ .85  
Special Delivery Fee \$ .00  
Restricted Delivery Fee \$ 2.00  
Return Receipt (copy to whom and address to whom) \$ 1.20  
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TOTAL POSTAGE AND FEES \$ 4.90

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c/o Wood & Scher  
One Chase Road  
Scarsdale, NY 10583

4. Article Number: P924-515 851

Type of Service:  
 Registered  
 Certified  
 Express Mail  
 Insured  
 COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee: X  
6. Signature - Agent: X  
7. Date of Delivery: 6/19/89

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986 DOMESTIC RETURN RECEIPT