

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Glenn S. Schroyer, M.D.)
)
)
) MPC 120-0807

STIPULATION AND CONSENT ORDER

NOW COME Glenn S. Schroyer, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned Assistant Attorney General, James S. Arisman, and agree and stipulate as follows:

- 1. Glenn S. Schroyer, M.D., holds Vermont Medical License Number 042-0005702, issued by the Vermont Board of Medical Practice on May 25, 1976. Respondent is a family practice physician.
- 2. Respondent also holds medical licensure in the State of New York (N.Y. License No. 187467).
- 3. Jurisdiction vests with the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353-55, 1365-1366 & 1398 and 3 V.S.A. §§ 809 & 814(c).

I. New York Suspension.

4. On or about August 6, 2007, the New York State Board for Professional Medical Conduct entered a Consent Agreement and Order suspending Respondent's New York State license to practice medicine and placing him on probationary terms in that State. See Exhibit 1, Attached (Consent Agreement, Statement of Charges, and Terms of Probation). Respondent admitted in the New York State consent agreement to the following conduct:

- (a) "practicing the profession of medicine with gross negligence" by writing prescriptions for controlled substances for a patient "without adequate indication and without performing and/or documenting an adequate history or physical examination";
- (b) "committing professional misconduct" by "failing to exercise appropriate supervision" of a physician assistant and by allowing the physician assistant "to prescribe [controlled substances to a patient] without adequate indication and without performing and/or documenting an adequate history or physical examination" of the patient;
- (c) "committing professional misconduct" by "failing to maintain a record for his patient which accurately reflects the care and treatment of the patient".

The above-described conduct occurred from 2001 through 2005. The controlled substances prescribed by Respondent and his physician assistant included DEA Schedule II, III, IV drugs that were prescribed on multiple occasions.

5. Pursuant to the New York State order, actual suspension of Respondent's license to practice medicine in that State began or about August 15, 2007. Respondent's New York medical license will remain suspended until on or about December 15, 2007.

II. Vermont Practice.

6. Respondent has indicated that he is a practice partner at Aesthetica Laser and Skin Care in Colchester, Vermont. Respondent has continued to practice medicine in the State of Vermont while his New York State medical license has been suspended.

7. Respondent and the undersigned Assistant Attorney General have conferred regarding his continued practice in Vermont during the period of suspension of his New York State medical license.

8. Respondent wishes to cooperate fully with the licensing, regulatory, and investigative responsibilities of the Vermont Board of Medical Practice. Respondent has determined that he shall voluntarily enter into this agreement. The parties concur that this

agreement is intended to protect the health, safety, and welfare of the Vermont public by adopting here the terms and conditions that have been imposed upon Respondent's New York medical license. The instant agreement also provides for other terms and conditions that Respondent has voluntarily agreed to and that apply to his medical licensure in Vermont.

9. Respondent acknowledges that he has been offered the opportunity to obtain and receive legal advice and counsel regarding this matter.

10. Respondent agrees and understands that by executing this document he is waiving such rights as he may possess to challenge the jurisdiction and continuing jurisdiction of the Vermont Board of Medical Practice in this matter, and to a public hearing on any motion that the State might have filed pursuant to 26 V.S.A. §§ 1365 & 1366; and 3 V.S.A. §§ 809 & 814. In sum, Respondent agrees and fully understands that he is executing this document in lieu of any proceedings, findings, and order by the Board of Medical Practice that might otherwise have been available under applicable law. Respondent voluntarily and knowingly agrees to the terms and conditions herein.

11. Respondent recognizes the responsibility of the Vermont Board of Medical Practice to investigate and carefully weigh the facts and circumstances related to the discipline imposed upon his New York State medical license. The parties have agreed to enter into the Stipulation and Consent Order, which is consistent with the Vermont Board's investigative and regulatory responsibilities.

12. For the purposes of this agreement, Respondent expressly agrees and admits here that the New York State Board for Professional Medical Conduct entered an order on or about August 6, 2007 disciplining him, suspending for a period of four months his New

York medical license, and placing him on probation for the conduct set forth in Paragraph 4, above. Respondent admits that his actions, as set forth above, constitute unprofessional conduct and are in violation of 26 V.S.A. § 1354(a)(22) in that they constitute a failure to use and exercise on repeated occasions that degree of care, skill, and proficiency which is commonly exercised by the ordinary skillful, careful, and prudent physician engaged in similar practice under the same or similar conditions. Respondent enters no further admission at this time.

13. It is Respondent's position that the conduct for which he was disciplined in the State of New York involved mitigating circumstances, occurred solely in the context of an office practice, occurred only between colleagues, and involved no other patients.

14. No specification of charges has been filed by the State of Vermont in this matter. Respondent has not been the subject of prior disciplinary action by the Vermont Board of Medical Practice.

15. Respondent has determined that he wishes to enter voluntarily into terms and conditions of licensure with the Vermont Board of Medical Practice, as set forth herein, so as to resolve the matter presently open before the Vermont Board of Medical Practice. Respondent agrees that the Board of Medical Practice also may adopt and enter as its findings and/or conclusions this paragraph and those paragraphs set forth above.

III. Terms and Conditions of this Agreement.

16. Respondent at all times has cooperated fully with the Vermont Board of Medical Practice in its investigation. Respondent has communicated responsively with staff of the Vermont Board of Medical Practice and the Office of the Vermont Attorney General and provided all information requested of him. Respondent wishes to enter into

this Stipulation and Consent Order with the Vermont Board, to achieve a disposition acceptable to the parties while minimizing uncertainty and the costs to all concerned.

17. The parties to this Stipulation and Consent Order agree here that appropriate resolution of this matter shall consist of imposition of the terms and conditions set forth herein on Respondent's Vermont license to practice medicine. Pursuant to this agreement, Respondent's Vermont medical license shall be designated as "conditioned", and Respondent shall comply fully and in good faith with the terms and conditions of licensure set forth in this agreement, until such time as he is relieved of the conditions herein by express written order of the Vermont Board of Medical Practice.

A. Incorporation of New York Agreement.

18. Respondent agrees that he shall continue to comply fully with all terms and conditions set forth in the 2007 Consent Agreement and Order of the New York State Board for Professional Medical Conduct, including its terms of probation, and shall do so until such time as he is relieved of all those terms and conditions in writing by the New York Board.

19. Except as may be modified herein, Respondent agrees that the instant agreement with the Vermont Board of Medical Practice, shall incorporate by reference all terms and conditions of his New York 2007 Consent Agreement and Order, including its terms of probation, with the New York State Board for Professional Medical Conduct.¹ Respondent understands and agrees that principal oversight and monitoring of his practice and compliance in New York will be by the New York State Board for Professional Medical Conduct.

1. Respondent agrees that should any terms of this Stipulation and Consent Order with the Vermont Board of Medical Practice conflict with terms of Respondent's Consent Agreement in New York, the provision(s) most protective of the health, safety, and welfare of the Vermont public shall prevail.

B. Agreement with the Vermont Board.

20. Respondent expressly agrees that the instant agreement with the Vermont Board of Medical Practice constitutes a separate agreement between himself and the Vermont Board, and is in addition to his existing consent agreement with the New York State Board for Professional Medical Conduct.

21. The parties to this Stipulation and Consent Order agree that appropriate disposition of this matter shall consist of the following:

A. Conditioned License: Respondent's Vermont license to practice medicine shall be designated as "conditioned" for a period of at least 36 months from the effective date of the Vermont Board's Order approving this Agreement, and he shall comply fully and in good faith with all terms and conditions of licensure set forth herein, until such time as he has been relieved of all such conditions herein by written order of the Vermont Board of Medical Practice.

B. Suspension: Respondent agrees that a suspension of his Vermont license to practice medicine of at least 36-months duration² shall be entered by the Vermont Board of Medical Practice, with four months of such suspension to be served as a period of actual suspension and the remainder stayed. See Paragraph 33(b), below. The remaining period of suspension shall be stayed, subject to full compliance by Respondent with the terms of this agreement. However, substantial or repeated failure by Respondent to comply with any of the terms and conditions herein may constitute unprofessional conduct and, if established by the State's evidence, shall result in actual suspension of Respondent's license to practice medicine in Vermont for a period of no less than one year and such other disciplinary action as the Board may deem appropriate under the circumstances.

C. Public Reprimand: Respondent shall be publicly **REPRIMANDED** by the Vermont Board of Medical Practice for the conduct set forth above, in addition to the terms and conditions set forth herein.

22. Respondent agrees that any and all medical practice by him shall be subject to monitoring by a licensed physician who may be approved or disapproved at any time by the Vermont Board or an assigned Vermont Board investigative

2. The tolling provisions of the Terms of Probation of the New York State Consent Agreement and Order, at its Paragraph 6, by agreement of the parties, are not incorporated in the instant Stipulation and Consent Order between Respondent and the Vermont Board of Medical Practice.

committee, in its sole discretion. The monitor shall carry out the duties and responsibilities set forth in Respondent's Terms of Probation with the New York State Board for Professional Medical Conduct at Paragraph 9, Subsections a, b, and c. Respondent shall bear any and all costs of such monitoring.

23. Respondent shall petition the Vermont Board in writing for approval of the proposed practice monitor within 60 days of approval of this agreement by the Vermont Board and shall provide the Board a copy of the proposed monitor's curriculum vitae. Respondent understands and agrees that following approval of this Stipulation and Consent Order by the Vermont Board of Medical Practice he must complete and implement within 60 days all arrangements for monitoring of any practice activities in Vermont. **Respondent understands and agrees that he may not practice medicine in the State of Vermont without the practice monitor required by Paragraphs 22-24 of this agreement.**

24. All reporting by the practice monitor shall be as set forth in Paragraph 9 of Respondent's Terms of Probation with the New York State Board for Professional Medical Conduct. Copies of all required written reporting shall be promptly forwarded on a quarterly basis to the Vermont Board of Medical Practice, and Respondent shall be solely responsible for ensuring that such reporting is completed and forwarded to the Vermont Board in a timely manner.³

25. Respondent understands and agrees that no practice monitor may be

3. For any reporting period during which Respondent's practice of medicine in the State of Vermont has not exceeded 50 percent of his total practice activities, he may submit reporting for the period as prepared by his approved practice monitor regarding in New York State (or other jurisdiction). In every case, all written reporting by the practice monitor shall clearly identify the practice location that is the subject of the monitoring reporting and the inclusive dates covered by such reporting.

proposed to the Vermont Board by him if Respondent is associated in practice with the practitioner or is otherwise financially involved with such individual.

26. Respondent agrees to provide his practice monitor with an advance copy of his schedule(s) for his practice activities in the State of Vermont and to promptly inform the monitor of any unexpected changes in this schedule.

C. Education.

27. Respondent agrees that no later than June 5-6, 2008 he shall satisfactorily complete, at his own expense, specific educational coursework or programs, subject to review and approval, in its sole discretion, by the Vermont Board of Medical Practice. Respondent expressly agrees that he shall promptly attend and successfully complete (a) the on-site, two-day intensive course in medical record keeping which is offered by the School of Medicine of the Case Western University; and (b) the program's additional chart review and feedback activities that occur at three months and six months after completion of the on-site course. Respondent agrees that his attendance shall take place as soon as reasonably practicable. Respondent agrees that he shall document his attendance and successful completion of this coursework by prompt submission to the Board of appropriate certification, documentation, and/or evaluation of his coursework. Respondent shall bear all costs.

28. Respondent agrees that failure by him to timely attend and/or satisfactorily complete such coursework without good cause, if proven by the State's evidence, shall warrant and shall result in suspension of his Vermont medical license for a stipulated period of at least 90 days.

29. The above coursework must be eligible for credit as "continuing medical education" and be eligible for total credits of at least 17.5 hours in Category I of the Physician's Recognition Award of the American Medical Association. Respondent's participation must earn the full 17.5 hours of credits for such course work. Respondent shall be responsible for ensuring that documentation of and evaluations of Respondent's participation in and ~~satisfactory~~ completion of such coursework are promptly forwarded to the Vermont Board of Medical Practice for its review. Such documentation must be provided in a manner and form satisfactory to the Board and in no case later than 30 days after Respondent's completion of any individual course. Respondent shall bear all costs.

D. Disclosure.

30. While this agreement remains in effect, Respondent shall (a) provide a complete copy of this agreement to any employer, practice, medical site, institution, clinic, or hospital where he may apply for privileges or work as a licensed practitioner; and (b) provide a complete copy of this agreement to any agency or entity that licenses, certifies, privileges, or credentials physicians, regardless of location, should he apply to same.

E. Vermont Board Oversight.

31. Respondent agrees that he shall provide at all times his cooperation with the Vermont Board of Medical Practice, its investigators, and agents. Respondent agrees that he shall execute any and all waivers that may be required for the Board, its staff, or agents to conduct investigation and review of his compliance with this agreement and/or his agreement with the New York State Board for Professional Medical Conduct.

32. Respondent expressly agrees, pending further proceedings or order of the Board of Medical Practice to:

- (a) sign such authorizations and/or waivers of confidentiality as may be presented to him by the Board as to records, reports, statements, and other writings related to the disciplinary action taken against his medical license by the New York State Board for Professional Medical Conduct;
- (b) notify the Vermont Board promptly of the date of completion of his period of actual suspension of licensure in New York and his return to practice there;
- (c) ~~cease and desist~~, pursuant to the order or notice of the Vermont Board of Medical Practice, from any and all practice of medicine in the State of Vermont, including any and all prescribing, during the period of actual suspension of his Vermont medical license, as set forth in Paragraph 21(A), above, following completion of the current four-month period of actual suspension of his New York State medical license;⁴
- (d) not practice medicine in the State of Vermont thereafter without the Vermont Board's written approval or notice authorizing him to do so;
- (e) file a motion, but only if warranted by the facts, to modify this agreement, but not prior to the passage of at least one year from the date of approval of this agreement by the Vermont Board; Respondent agrees that the Board shall retain sole discretion to approve or deny any such motion following its review of all facts and circumstances before it; Respondent agrees that the Board's determination in this regard shall be final and unappealable; and
- (f) adhere to all terms and conditions set forth above and herein until relieved of such obligations by further written order or notice from the Board.

F. Patient Care.

33. Respondent agrees that he shall not prescribe "diet pills" or other medications for patients solely for purposes of "weight loss". And see following paragraphs. Respondent agrees that he shall not treat or prescribe for practitioners or other

4. Respondent acknowledges and agrees that the four-month period of actual suspension of his New York medical license will end on or about December 15, 2007. Respondent therefore acknowledges and agrees that the period of actual suspension of his Vermont medical license will begin on or about December 6, 2007. Respondent acknowledges and agrees that he shall make all necessary arrangements to ensure continuity of care for his patients in Vermont during the anticipated period of actual suspension of his Vermont medical license.

individuals with whom he is associated in practice. Respondent agrees that he shall not treat or prescribe for members of his family. Respondent agrees that he shall refer all such patients to other practices for treatment and prescribing. Respondent expressly agrees he has read and shall comply with Vermont Board Rule 4.3.

34. During the life of this agreement Respondent agrees that each office patient for whom he prescribes controlled substances in the course of his practice shall have a current diagnostic assessment and treatment plan which shall be available for review by the Board at any time pursuant to its authority under 18 V.S.A. § 4218(c) and this agreement. Each such plan shall include clear, specific entries regarding the patient's diagnosis or condition and the rationale for prescribing each such controlled substance for the patient.

35. Each such treatment plan shall immediately be made available by Respondent, without delay and without the involvement or interposition of counsel or other intermediaries, for review by the Board or its agent upon request. Each controlled substance that is prescribed for a patient shall be clearly noted in writing in the patient's office record with the date of prescribing indicated. Medical records of patients cared for by Respondent may be reviewed forthwith and at any time by the Board or its agents, without delay and without the involvement or interposition of counsel or other intermediaries, pursuant to 18 V.S.A. § 4218(c), other applicable authorities, and the terms and conditions herein, to determine compliance with this agreement.

36. Respondent agrees that all prescriptions by him for patients, who are seen outside hospital, nursing homes, or other institutional settings for DEA schedule II, III, and IV drugs shall be copied and retained in duplicate during the life of this agreement. One

copy of each such prescription shall be promptly placed in a chronologically ordered file that shall be made available for review by the Board or its agents, at any time and without prior notice, upon request. The second copy of each such prescription shall be retained in a chronologically ordered file and shall be immediately made available by Respondent, without delay and without the involvement or interposition of counsel or other intermediaries, for review by the Board or its agents upon request.

G. Public Reprimand.

37. The parties to this Stipulation and Consent Order agree that other appropriate disciplinary action in this matter, as to the circumstances set forth above, shall consist of the following:

Respondent Glenn S. Schroyer, M.D. Shall Be Publicly Reprimanded by Order of the Vermont Board of Medical Practice

The public reprimand of Respondent shall be in addition to the express disciplinary terms and conditions set forth above.

H. General Provisions.

38. Respondent has read and carefully considered all terms and conditions herein and agrees to accept and be bound by these until such time as he may be expressly relieved of these or they are modified, in writing, by the Vermont Board. The Board, in its sole discretion, may consider and approve a petition from Respondent at a later date for modification or relief from the terms and conditions herein. Respondent agrees that he shall not present such a petition prior to the passage of at least one year from the date of Board approval of this agreement.

39. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. If approved by the Board, Respondent agrees to be bound by the terms and conditions of this agreement pending further proceedings or order of the Board of Medical Practice.

40. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce the terms and conditions of this agreement until it is modified, or he is relieved of its terms and conditions in writing. Respondent agrees that any failure by him to abide by any of the terms and conditions of this Stipulation and Consent Order may constitute unprofessional conduct under 26 V.S.A. § 1354(a)(25) and other authorities and could subject Respondent to such further disciplinary action as the Board may deem appropriate.

41. The parties jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable to the Vermont Board of Medical Practice, the Board may adopt and enter this agreement as an enforceable order as to Respondent's Vermont license to practice medicine, as set forth herein. Respondent further agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration.

42. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and shall be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

43. Respondent expressly agrees that the Board of Medical Practice shall retain jurisdiction in this matter and may enforce as necessary the terms and conditions herein or cite this agreement as evidence in subsequent proceedings.

Dated at Montpelier, Vermont, this 9th day of November 2007.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

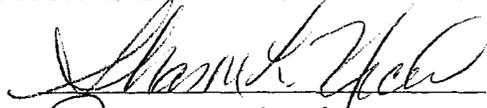
by:

James SA
JAMES S. ARISMAN
Assistant Attorney General

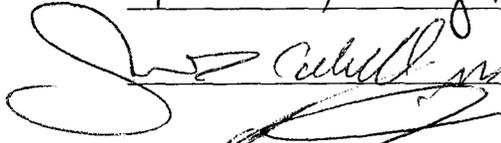
Dated at Montpelier, VT, this 9th day of November 2007.

Glenn Sch MD
GLENN S. SCHROYER, M.D.
Respondent, *pro se*

FOREGOING, AS TO GLENN S. SCHROYER, M.D.,
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE



Peter A. Kelly M.D.





Margaret Fink Martin

William A. Kelly

DATED: 12/5/2007

ENTERED AND EFFECTIVE: 12/5/2007

Schroyer Stipulation and Consent Order: JSA/11/07; Not Effective Until Approved by BMP

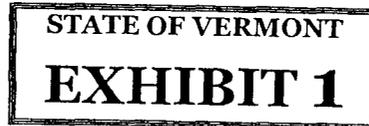


New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
Commissioner
NYS Department of Health

Keith W. Servis
Director
Office of Professional Medical Conduct



Kendrick A. Sears, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

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

August 8, 2007

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Glenn S. Schroyer, M.D.
20 Glen Drive
Plattsburgh, NY 12901

Re: License No. 187467

Dear Dr. Schroyer:

Enclosed is a copy of Order #BPMC 07-167 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 15, 2007.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Donald T. Kinsella, Esq.
90 State Street, Suite 1011
Albany, NY 12207

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

IN THE MATTER
OF
GLENN S. SCHROYER, M.D.

CONSENT
ORDER

BPMC No. #07-167

Upon the application of (Respondent) GLENN S. SCHROYER, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

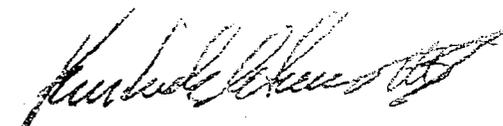
ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 3-6-07



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

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

IN THE MATTER
OF
GLENN S. SCHROYER, M.D.

CONSENT
AGREEMENT
AND
ORDER

GLENN S. SCHROYER, M.D., representing that all of the following statements are true, deposes and says:

That on or about November 4, 1991, I was licensed to practice as a physician in the State of New York, and was issued License No. 187467 by the New York State Education Department.

My current address is 20 Glen Drive, Plattsburgh, New York 12901, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with six specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to first, fifth and sixth specifications, in full satisfaction of the charges against me, and agree to the following penalty:

1. Pursuant to N.Y. Pub. Health Law § 230-a(2), my license to practice medicine in New York State shall be suspended for 36 months, with the first 4 months to be served as a period of actual suspension and with the last 32 months stayed.

2. Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for 36 months, subject to the terms set forth in attached Exhibit "B."

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed.

Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and

will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

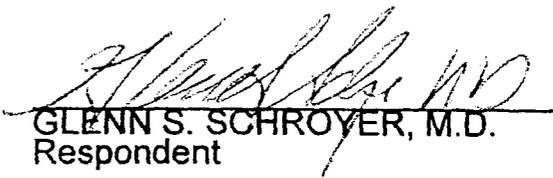
I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

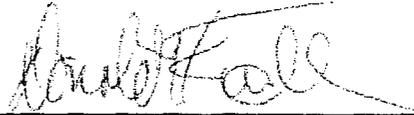
I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 7-25-07

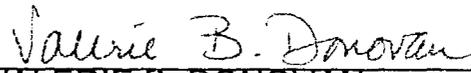

GLENN S. SCHROYER, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: July 25, 2007


DONALD KINSELLA, ESQ.
Attorney for Respondent

DATE: July 27, 2007


VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 8/2/07

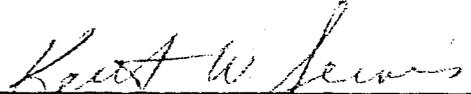

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.

7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Within thirty days of the effective date of the order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
 - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent and his medical staff, including patient records, prescribing information and office records. The practice monitor shall assess whether Respondent is adequately supervising his medical and office staff. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
10. Respondent shall enroll in and complete a continuing education program in the area of appropriate prescribing of controlled substances. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period.
11. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

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

IN THE MATTER
OF
GLENN S. SCHROYER, M.D.

STATEMENT
OF
CHARGES

GLENN S. SCHROYER, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 4, 1991, by the issuance of license number 187467 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Between in or about January 2001 through in or about September 2005, Respondent provided medical care to Patient A (patient is identified in Appendix A) at Respondent's medical office, Plattsburgh Health Center (hereinafter PHC). Respondent's treatment and/or care of Patient A did not meet acceptable standards in that:
1. Respondent wrote prescriptions for the following medications for Patient A without adequate indication and without performing and/or documenting an adequate history or physical examination of Patient A: Phentermine, Ambien, Diethylpropion, Meridia, Acetaminophen with codeine, Methylprednisolone, HCTZ, Meperidine, Stadol Nasal Spray, Propoxyphene, Hydrocodone/APAP, Butalbital/APAP/CAF, Testosterone Cypionate, Animi-3 and/or Genotropin.
 2. Between in or about November 2001 through in or about July 2005, a registered physician's assistant (RPA) employed by PHC wrote approximately fourteen prescriptions including Hydrocodone/APAP, Stadol Nasal Spray, Vicoprofen, Butorphanol Tartrate, Diethylpropion, and Ambien for Patient A. Respondent was medically responsible for the medical services performed by this RPA, and allowed the RPA to prescribe these medications without adequate indication and without performing and/or documenting an adequate history or physical examination of Patient A.

3. Respondent failed to adequately supervise the RPA who prescribed the medication referred to in paragraph 2, above, to Patient A.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the following:

1. The facts in paragraphs A and A.1, A and A.2 and/or A and A.3.

SECOND SPECIFICATION GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the following:

2. The facts in paragraphs A and A.1, A and A.2 and/or A and A.3.

THIRD SPECIFICATION NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

3. The facts in paragraphs A and A.1, A and A.2 and/or A and A.3.

FOURTH SPECIFICATION INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in

N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

4. The facts in paragraphs A and A.1, A and A.2 and/or A and A.3.

**FIFTH SPECIFICATION
FAILURE TO ADEQUATELY SUPERVISE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(33) by failing to exercise appropriate supervision over persons who are authorized to practice only under supervision, as alleged in the following:

5. The facts in paragraphs A and A.2 and/or A and A.3.

**SIXTH SPECIFICATION
FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for his patient which accurately reflects the care and treatment of the patient, as alleged in the following:

6. The facts in paragraphs A and A.1 and/or A and A.2.

DATE: July 27, 2007
Albany, New York



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