

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
DANIELLE ROBERTS, D.O.

NOTICE
OF
HEARING

TO: DANIELLE ROBERTS, D.O.


PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on May 4, 2020 at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church State Street, 4th floor, New York, New York 10007, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the

terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: March 5, 2020

Albany, New York


Timothy A. Mahar, Esq.
Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be directed to:
Jeffrey J. Conklin, Esq., Associate Counsel
Bureau of Professional Medical Conduct
Empire State Plaza
Corning Tower, Room 2517
Albany, New York 12237

IN THE MATTER
OF
DANIELLE ROBERTS, D.O.

STATEMENT
OF
CHARGES

DANIELLE ROBERTS, D.O., the Respondent, was authorized to practice medicine in New York State on or about October 5, 2009, by the issuance of license number 255075 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about March 9, 2017, the Respondent used a cauterizing pen as part of a medical procedure to scar the skin by branding Patient A, a female patient, hereinafter identified in the attached Appendix "A", with the initials KR/AM, and/or KR, in the pelvis region, thereby leaving a permanent scar. Respondent's conduct deviated from accepted standards of care as follows:
1. Respondent performed the medical procedure upon Patient A in an other than appropriately sterile environment, and/or without appropriate infection control, and/or without the use of sterile technique, including the surgical field, surgical procedure room, multiple use of a cautery pen tip and electrical grounding pad, and documented electrical testing and maintenance upkeep of the cautery device.
 2. Respondent performed the medical procedure without the use of a local anesthetic or general anesthesia, thereby causing Patient A to suffer pain for no legitimate medical purpose.

3. Respondent performed the medical procedure upon Patient A with non-medically trained personnel present, who were not wearing personal protective equipment.
4. Respondent performed the medical procedure upon Patient A with the assistance of non-medically trained personnel who physically restrained said patient.
5. Respondent failed to cease performing the medical procedure despite the fact that Patient A was suffering pain without medical justification.
6. Respondent, during the course of the medical procedure, willfully physically abused Patient A.
7. Respondent performed the medical procedure upon Patient A at the time when said patient was naked and while being held down by other individuals, who were also naked, contrary to any appropriate medical protocol or need.
8. Respondent inappropriately performed the medical procedure upon Patient A while an individual who was also naked utilized a cell phone to video said medical procedure.
9. Respondent failed to provide appropriate wound care for Patient A at the time of the medical procedure, and thereafter.
10. Respondent failed to provide appropriate follow-up medical care and treatment for Patient A's wound, and/or failed to refer Patient A to another medical provider for such post-medical procedure wound care.
11. Respondent inappropriately advised, or caused another individual to advise, Patient A to take photographs of the wound caused by the medical procedure on a daily basis for one month and once a week for another month, and to thereafter send such photographs to an individual who shared all or some of said photographs with the Respondent.
12. Respondent failed to provide appropriate medical care and treatment for Patient A, including obtaining information regarding said patient's medical history and current medications.

13. Respondent failed to prepare and/or maintain appropriate medical records for the patient which accurately reflected the evaluation and treatment of Patient A.
14. Respondent fraudulently failed to disclose to Patient A that the initials KR/AM and/or KR said Respondent branded into the pelvis region of Patient A represented the initials of Keith Ranieri and/or Allison Mack.
15. Respondent performed the medical procedure upon Patient A without having obtained the adequate informed consent of Patient A.

B. On or about March 9, 2017, the Respondent used a cauterizing pen as part of a medical procedure to scar the skin by branding Patient B, a female patient, hereinafter identified in the attached Appendix "A", with the initials KR/AM, and/or KR, in the pelvis region, thereby leaving a permanent scar. Respondent's conduct deviated from accepted standards of care as follows:

1. Respondent performed the medical procedure upon Patient B in an other than appropriately sterile environment, and/or without appropriate infection control and/or, without the use of sterile technique, including the surgical field, surgical procedure room, multiple use of a cautery pen tip and electrical ground pad, and documented electrical testing and maintenance upkeep of the cautery device.
2. Respondent, while performing the medical procedure without the use of a local anesthetic or general anesthesia, thereby causing Patient B to suffer pain for no legitimate medical purpose.
3. Respondent performed the medical procedure upon Patient B with non-medically trained personnel present, who were not wearing personal protective equipment.
4. Respondent performed the medical procedure upon Patient B with the assistance of non-medically trained personnel who physically restrained said patient.

5. Respondent failed to cease performing the medical procedure despite the fact that Patient B was suffering pain without medical justification.
6. Respondent, during the course of the medical procedure, willfully and physically abused Patient B.
7. Respondent performed the medical procedure upon Patient B at the time when said patient was naked and while being held down by other individuals, who were also naked, contrary to any appropriate medical protocol or need.
8. Respondent inappropriately performed the medical procedure upon Patient B while an individual who was also naked utilized a cell phone to video said medical procedure.
9. Respondent failed to provide appropriate wound care for Patient B at the time of the medical procedure, and thereafter.
10. Respondent failed to provide appropriate follow-up medical care and treatment for Patient B's wound, and/or failed to refer Patient B to another medical provider for such post-medical procedure wound care.
11. Respondent inappropriately advised, or caused another individual to advise Patient B to take photographs of the wound caused by the medical procedure on a daily basis for one month and once a week for another month, and to thereafter send such photographs to an individual who shared all or some of said photographs with Respondent.
12. Respondent failed to provide appropriate medical care and treatment for Patient B, including obtaining information regarding said patient's medical history and current medications.
13. Respondent failed to prepare and/or maintain appropriate medical records for the patient which accurately reflected the evaluation and treatment of Patient B.
14. Respondent fraudulently failed to disclose to Patient B that the initials KR/AM and/or KR said Respondent branded into the pelvis region of Patient B represented the initials of Keith Ranieri and/or Allison Mack.

15. Respondent performed the medical procedure upon Patient B without having obtained the adequate informed consent of Patient B.

C. On or about March 9, 2017, the Respondent used a cauterizing pen as part of a medical procedure to scar the skin by branding Patient C, a female patient, hereinafter identified in the attached Appendix "A", with the initials KR/AM, and/or KR, in the pelvis region, thereby leaving a permanent scar. Respondent's conduct deviated from accepted standards of care as follows:

1. Respondent performed the medical procedure upon Patient C in an other than appropriately sterile environment, and/or without appropriate infection control, and/or without the use of sterile technique, including the surgical field, surgical procedure room, multiple use of a cautery pen tip and electrical grounding pad, and documented electrical testing and maintenance upkeep of the cautery device.
2. Respondent, while performing the medical procedure without the use of a local anesthetic or general anesthesia, thereby causing Patient C to suffer pain for no legitimate medical purpose.
3. Respondent performed the medical procedure upon Patient C with non-medically trained personnel present, who were not wearing personal protective equipment.
4. Respondent performed the medical procedure upon Patient C with the assistance of non-medically trained personnel who physically restrained said patient.
5. Respondent failed to cease performing the medical procedure despite the fact that Patient C was suffering pain without medical justification.
6. Respondent, during the course of the medical procedure, willfully physically abused Patient C.

7. Respondent performed the medical procedure upon Patient C at the time when said patient was naked and while being held down by other individuals, who were also naked, contrary to any appropriate medical protocol or need.
8. Respondent inappropriately performed the medical procedure upon Patient C while an individual who was also naked utilized a cell phone to video said medical procedure.
9. Respondent failed to provide appropriate wound care for Patient C at the time of the medical procedure, and thereafter.
10. Respondent failed to provide appropriate follow-up medical care and treatment for Patient C's wound, and/or failed to refer Patient C to another medical provider for such post-medical procedure wound care.
11. Respondent inappropriately advised, or caused another individual to advise, Patient C to take photographs of the wound caused by the medical procedure on a daily basis for one month and once a week for another month, and to thereafter send such photographs to an individual who shared all or some of said photographs with Respondent.
12. Respondent failed to provide appropriate medical care and treatment for Patient C, including obtaining information regarding said patient's medical history and current medications.
13. Respondent failed to prepare and/or maintain appropriate medical records for the patient which accurately reflected the evaluation and treatment of Patient C.
14. Respondent fraudulently failed to disclose to Patient C that the initials KR/AM and/or KR said Respondent branded into the pelvis region of Patient C represented the initials of Keith Ranieri and/or Allison Mack.
15. Respondent performed the medical procedure upon Patient C without having obtained the adequate informed consent of Patient C.

D. On or about March 9, 2017, the Respondent used a cauterizing pen as part of a medical procedure to scar the skin by branding Patient D, a female patient, hereinafter identified in the attached Appendix "A", with the initials KR/AM, and/or KR, in the pelvis region, thereby leaving a permanent scar. Respondent's conduct deviated from accepted standards of care as follows:

1. Respondent performed the medical procedure upon Patient D in an other than appropriately sterile environment, and/or without appropriate infection control, and/or without the use of sterile technique, including the surgical field, surgical procedure room, multiple use of a cautery pen tip and electrical grounding pad, and documented electrical testing and maintenance upkeep of the cautery device.
2. Respondent, while performing the medical procedure without the use of a local anesthetic or general anesthesia, thereby causing Patient D to suffer pain for no legitimate medical purpose.
3. Respondent performed the medical procedure upon Patient D with non-medically trained personnel present, who were not wearing personal protective equipment.
4. Respondent performed the medical procedure upon Patient D with the assistance of non-medically trained personnel who physically restrained said patient.
5. Respondent failed to cease performing the medical procedure despite the fact that patient D was suffering pain without medical justification.
6. Respondent, during the course of the medical procedure, willfully physically abused Patient D.
7. Respondent performed the medical procedure upon Patient D at the time when said patient was naked and while being held down by other individuals, who were also naked, contrary to any appropriate medical protocol or need.

8. Respondent inappropriately performed the medical procedure upon Patient D while an individual who was also naked utilized a cell phone to video said medical procedure.
9. Respondent failed to provide appropriate wound care for Patient D at the time of the medical procedure, and thereafter.
10. Respondent failed to provide appropriate follow-up medical care and treatment for Patient D's wound, and/or failed to refer Patient D to another medical provider for such post-medical procedure wound care.
11. Respondent inappropriately advised, or caused another individual to advise Patient D to take photographs of the wound caused by the medical procedure on a daily basis for one month and once a week for another month, and to thereafter send such photographs to an individual who shared all or some of said photographs with Respondent.
12. Respondent failed to provide appropriate medical care and treatment for Patient D, including obtaining information regarding said patient medical history and current medications.
13. Respondent failed to prepare and/or maintain appropriate medical records for the patient which accurately reflected the evaluation and treatment of Patient D.
14. Respondent fraudulently failed to disclose to Patient D that the initials KR/AM and/or KR said Respondent branded into the pelvis region of Patient D represented the initials of Keith Ranieri and/or Allison Mack.
15. Respondent performed the medical procedure upon Patient D without having obtained the adequate informed consent of Patient D.

E. On or about March 9, 2017, the Respondent used a cauterizing pen as part of a medical procedure to scar the skin by branding Patient E, a female patient, hereinafter identified in the attached Appendix "A", with the initials KR/AM, and/or

KR, in the pelvis region, thereby leaving a permanent scar. Respondent's conduct deviated from accepted standards of care as follows:

1. Respondent performed the medical procedure upon Patient E in an other than appropriately sterile environment, and/or without appropriate infection control, and/or without the use of sterile technique, including the surgical field, surgical procedure room, multiple use of a cautery tip pen and electrical grounding pad, and documented electrical testing and maintenance upkeep of the cautery device.
2. Respondent performed the medical procedure without the use of a local anesthetic or general anesthesia, thereby causing Patient E to suffer pain for no legitimate medical purpose.
3. Respondent performed the medical procedure upon Patient E with non-medically trained personnel present, who were not wearing personal protective equipment.
4. Respondent performed the medical procedure upon Patient E with the assistance of non-medically trained personnel who physically restrained said patient.
5. Respondent failed to cease performing the medical procedure despite the fact that Patient E was suffering pain without medical justification.
6. Respondent, during the course of the medical procedure, willfully physically abused Patient E.
7. Respondent performed the medical procedure upon Patient E at the time when said patient was naked and while being held down by other individuals, who were also naked, contrary to any appropriate medical protocol or need.
8. Respondent inappropriately performed the medical procedure upon Patient E while an individual who was also naked utilized a cell phone to video said medical procedure.
9. Respondent failed to provide appropriate wound care for Patient E at the time of the medical procedure, and thereafter.

10. Respondent failed to provide appropriate follow-up medical care and treatment for Patient E's wound, and/or failed to refer Patient E to another medical provider for such post-medical procedure wound care.
11. Respondent inappropriately advised; or caused another individual to advise, Patient E to take photographs of the wound caused by the medical procedure on a daily basis for one month and once a week for another month, and to thereafter send such photographs to an individual who shared all or some of said photographs with Respondent.
12. Respondent failed to provide appropriate medical care and treatment for the Patient E, including obtaining information regarding said patient's medical history and current medications.
13. Respondent failed to prepare and/or maintain appropriate medical records for the patient which accurately reflected the evaluation and treatment of Patient E.
14. Respondent fraudulently failed to disclose to Patient E that the initials KR/AM and/or KR said Respondent branded into the pelvis region of Patient E represented the initials of Keith Ranieri and/or Allison Mack.
15. Respondent performed the medical procedure upon Patient E without having obtained the adequate informed consent of Patient E.

F. During the period from on or about January 2017 through December 2017, the Respondent used a cauterizing pen as part of medical procedures to permanently scar the skin by branding one or more of the following: Patient F through Patient M, inclusive, female patients, hereinafter identified in the attached Appendix "A", with the initials KR/AM, and/or KR, in their pelvis regions. Respondent's conduct deviated from accepted standards of care as follows:

1. Respondent performed the medical procedures upon one or more of the following: Patient F through Patient M, inclusive, in an other than appropriately

sterile environment, and/or without appropriate infection control, and/or without the use of sterile technique, including the surgical field, surgical procedure room, multiple use of a cautery pen tip and electrical grounding pad, and documented electrical testing and maintenance upkeep of the cautery device.

2. Respondent performed the medical procedures without the use of a local anesthetic or general anesthesia, thereby causing one or more of the following: Patient F through Patient M, inclusive, to suffer pain for no legitimate medical purpose.
3. Respondent performed the medical procedures upon one or more of the following: Patient F through Patient M, inclusive, with non-medically trained personnel present, who were not wearing personal protective equipment.
4. Respondent performing the medical procedures upon one or more of the following: Patient F through Patient M, inclusive, with the assistance of non-medically trained personnel who physically restrained said patients.
5. Respondent failed to cease performing the medical procedures despite the fact that one or more of the following: Patient F through Patient M, inclusive, were suffering pain without medical justification.
6. Respondent, during the course of the medical procedures willfully physically abused one or more of the following: Patient F through Patient M, inclusive.
7. Respondent inappropriately performed the medical procedures upon one or more of the following: Patient F through Patient M, inclusive, while an individual utilized a cell phone to video said medical procedures.
8. Respondent failed to provide appropriate wound care for one or more of the following: Patient F through Patient M, inclusive, at the time of the medical procedures, and thereafter.
9. Respondent failed to provide appropriate follow-up medical care and treatment for one or more of the following: Patient F through Patient M,

inclusive, and/or failed to refer the patients to other medical providers for such post-medical procedures wound care.

10. Respondent inappropriately advised, or caused another individual to advise, one or more of the following: Patient F through Patient M, inclusive, to take photographs of the wounds caused by the medical procedures on a daily basis for one month and once a week for another month, and to thereafter send such photographs to an individual who shared all or some of said photographs with Respondent.
11. Respondent failed to provide appropriate medical care and treatment for one or more of the following: Patient F through Patient M, inclusive, including obtaining information regarding said patients' medical histories and current medications.
12. Respondent failed to prepare and/or maintain appropriate medical records for the patients which accurately reflected the evaluation and treatment of one or more of the following: Patient F through Patient M, inclusive.
13. Respondent performed the medical procedures upon one or more of the following: Patient F through Patient M, inclusive, without having obtained the adequate informed consents of Patient F through Patient M, inclusive.

- G. During the time from on or about June 2016 through August 2016, NXIVM and/or the Executive Success Program (ESP) conducted a conference and/or meeting at the Silver Bay Conference and Family Retreat Center (Conference Center), located in Silver Bay, New York. The Respondent and approximately 438 other individuals attended the conference, including approximately 76 children. During the course of the conference, hundreds of the attendees became severely ill with an undetermined communicable disease. The individuals who became ill suffered inter alia, flu-like symptoms, severe vomiting and diarrhea. The Respondent had knowledge of the fact that many individuals at the conference had become ill. The Respondent knew

or should have known that the illness suffered by the attendees at the conference was a communicable disease, outbreak of a communicable disease, and/or an unusual disease or outbreak. Respondent's conduct deviated from accepted standards of care as follows:

1. Respondent failed to report a disease outbreak or unusual disease to the State Department of Health as required by Title 10 N.Y.C.R.R. Section 2.1(c).
2. Respondent failed to report the suspected or confirmed case of communicable disease, outbreak of communicable disease, and/or the unusual disease or outbreak to the city, county, or district health officer as required by Title 10 N.Y.C.R.R. Sections 2.10 and 2.1(b) and (c).
3. Respondent failed to report by telephone, facsimile, or other electronic communication, or in person the illness of the attendees at the conference suspected or confirmed to have been caused due to the consumption of spoiled or poisonous food to the city, county, or district health officer, in violation of Title 10 N.Y.C.R.R. Section 2.15.
4. Upon being made aware of the fact that attendees at the conference might have been suffering from a communicable disease, the Respondent failed to cause such individuals to be isolated in an appropriate environment, pending official action by the health officer, in violation of Title 10 N.Y.C.R.R. Section 2.27.

SPECIFICATIONS OF CHARGES

FIRST THROUGH SIXTH SPECIFICATIONS
WILLFULLY ABUSING A PATIENT

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(31) by willfully abusing a patient as alleged in the facts of one or more of the following:

1. The facts in paragraphs A and A.2, A and A.4, A and A.5, A and A.6, and/or A and A.8.
2. The facts in paragraphs B and B.2, B and B.4, B and B.5, B and B.6, and/or B and B.8.
3. The facts in paragraphs C and C.2, C and C.4, C and C.5, C and C.6, and/or, C and C.8.
4. The facts in paragraphs D and D.2, D and D.4, D and D.5, D and D.6, and/or, D and D.8.
5. The facts in paragraphs E and E.2, E and E.4, E and E.5, E and E.6, and/or, E and E.8.
6. The facts in paragraphs F and F.2, F and F.4, F and F.5, F and F.6, and/or F and F.8.

**SEVENTH THROUGH
TWELFTH SPECIFICATIONS**

**CONDUCT IN THE PRACTICE OF MEDICINE
WHICH EVIDENCES MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(20) by engaging in conduct in the practice of medicine which evidences moral unfitness to practice medicine as alleged in the facts of one or more of the following:

7. The facts in paragraphs A and A.2, A and A.4, A and A.5, A and A.6, and/or A and A.8.
8. The facts in paragraphs B and B.2, B and B.4, B and B.5, B and B.6, and/or B and B.8.
9. The facts in paragraphs C and C.2, C and C.4, C and C.5, C and C.6, and/or C and C.8.
10. The facts in paragraphs D and D.2, D and D.4, D and D.5, D and D.6, and/or D and D.8.
11. The facts in paragraphs E and E.2, E and E.4, E and E.5, E and E.6, and/or E and E.8.
12. The facts in paragraphs F and F.2, F and F.4, F and F.5, F and F.6, and/or F and F.8.

THIRTEENTH THROUGH EIGHTEENTH SPECIFICATIONS

**FAILING TO USE APPROPRIATE STERILE ENVIRONMENT
AND/OR WITHOUT APPROPRIATE INFECTION CONTROL
AND/OR WITHOUT THE USE OF STERILE TECHNIQUE**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(47) by failing to use scientifically accepted barrier precautions and infection control practices as established by the department of health as alleged in the facts of one or more of the following:

13. The facts in paragraphs A and A.1, A and A.3, A and A.4, and/or A and A.7.
14. The facts in paragraphs B and B.1, B and B.3, B and B.4, and/or B and B.7.
15. The facts in paragraphs C and C.1, C and C.3, C and C.4, and/or C and C.7.
16. The facts in paragraphs D and D.1, D and D.3, D and D.4, and/or D and D.7.
17. The facts in paragraphs E and E.1, E and E.3, E and E.4, and/or E and E.7.
18. The facts in paragraphs F and F.1, F and F.3, F and F.4, and/or F and F.7.

NINETEENTH SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY OR BEYOND ITS SCOPE

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(2) by practicing the profession fraudulently or beyond its authorized scope as alleged in the facts of one or more of the following:

19. The facts in paragraphs A and A.2, A and A.3, A and A.8 and/or A and A.14; B and B.2, B and B.3, B and B.8, and/or B and B.14; C and C.2, C and C.3, C and C.8, and/or C and C.14; D and D.2, D and D.3, D and D.8, and/or D and D.14; E

and E.2, E and E.3, E and E.8, and/or E and E. 14; F and F.2, F and F.3, and/or F and F.7.

TWENTIETH THROUGH TWENTY-FIFTH SPECIFICATIONS
PRACTICING THE PROFESSION WITH GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(4) by practicing the profession with gross negligence as alleged in the facts of one or more of the following:

20. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, and/or A and A.15.
21. The facts in paragraphs B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, B and B.8, B and B.9, B and B.10, B and B.11, B and B.12, B and B.13, B and B.14, and/or B and B.15.
22. The facts in paragraphs C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, C and C.14, and/or C and C.15.
23. The facts in paragraphs D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, D and D.9, D and D.10, D and D.11, D and D.12, D and D.13, D and D.14, and/or D and D.15.

24. The facts in paragraphs E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, E and E.6, E and E.7, E and E.8, E and E.9, E and E.10, E and E.11, E and E.12, E and E.13, E and E.14, and/or E and E.15.

25. The facts in paragraphs F and F.1, F and F.2, F and F.3, F and F.4, F and F.5, F and F.6, F and F.7, F and F.8, F and F.9, F and F.10, F and F.11, F and F.12, and/or F and F.13.

TWENTY-SIXTH SPECIFICATION

**PRACTICING THE PROFESSION WITH NEGLIGENCE
ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(3) by practicing the profession with negligence on more than one occasion as alleged in the facts of the following:

26. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, and/or A and A.15; and/or B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, B and B.8, B and B.9, B and B.10, B and B.11, B and B.12, B and B.13, and/or B and B.15; and/or C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, and/or C and C.15; and/or D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, D and D.9, D and D.10, D and D.11, D and D.12, D and D.13, and/or D

and D.15; and/or E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, E and E.6, E and E.7, E and E.8, E and E.9, E and E.10, E and E.11, E and E.12, E and E.13, and/or E and E.15; and/or F and F.1, F and F.2, F and F.3, F and F.4, F and F.5, F and F.6, F and F.7, F and F.8, F and F.9, F and F.10, F and F.11, F and F.12, and/or F and F.13; and/or G and G.1, G and G.2, G and G.3, and/or G and G.4.

TWENTY-SEVENTH THROUGH THIRTY-SECOND SPECIFICATIONS

PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(6) by practicing the profession with gross incompetence as alleged in the facts of one or more of the following:

27. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, and/or A and A.15.
28. The facts in paragraphs B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, B and B.8, B and B.9, B and B.10, B and B.11, B and B.12, B and B.13, and/or A and A.15.
29. The facts in paragraphs C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9, C and C.10, C and C.11, C and C.12, C and C.13, and/or C and C.15.

30. The facts in paragraphs D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, D and D.9, D and D.10, D and D.11, D and D.12, D and D.13, and/or D and D.15.

31. The facts in paragraphs E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, E and E.6, E and E.7, E and E.8, E and E.9, E and E.10, E and E.11, E and E.12, E and E.13, and/or E and E.15.

32. The facts in paragraphs F and F.1, F and F.2, F and F.3, F and F.4, F and F.5, F and F.6, F and F.7, F and F.8, F and F.9, F and F.10, F and F.11, F and F.12, and/or F and F.13.

THIRTY-THIRD SPECIFICATION

PRACTICNG THE PROFESSION WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(5) by practicing the profession with incompetence on more than one occasion as alleged in the facts of the following:

33. The facts in paragraphs A and A.1, A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, and/or A and A.15; and/or B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, B and B.8, B and B.9, B and B.10, B and B.11, B and B.12, B and B.13, and/or B and B.15; and/or C and C.1, C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, C and C.8, C and C.9,

C and C.10, C and C.11, C and C.12, C and C.13, and/or C and C.15; and/or D and D.1, D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, D and D.8, D and D.9, D and D.10, D and D.11, D and D.12, D and D.13, and/or D and D.15; and/or E and E.1, E and E.2, E and E.3, E and E.4, E and E.5, E and E.6, E and E.7, E and E.8, E and E.9, E and E.10, E and E.11, E and E.12, E and E.13, and/or E and E.15; and/or F and F.1, F and F.2, F and F.3, F and F.4, F and F.5, F and F.6, F and F.7, F and F.8, F and F.9, F and F.10, F and F.11, F and F.12, and/or F and F.13; and/or G and G.1, G and G.2, G and G.3, and/or G and G.4.

THIRTY-FOURTH SPECIFICATION

WILLFULLY FAILING TO FILE A REPORT REQUIRED BY LAW

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(21) by willfully failing to file a report required by law or by the Department of Health, or the Education Department as alleged in the facts of one or more of the following:

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

THIRTY-FIFTH SPECIFICATION

**WILLFULLY OR GROSSLY FAILING TO COMPLY WITH
FEDERAL, STATE, OR LOCAL LAWS RULES OR
REGULATIONS GOVERNING THE PRACTICE OF MEDICINE**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(16) by willfully or grossly negligently failing to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine as alleged in the facts of one or more of the following:

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

**THIRTY-SIXTH THROUGH
FORTY-FIRST SPECIFICATIONS**

**PERFORMING PROFESSIONAL SERVICES WHICH
HAVE NOT BEEN AUTHORIZED BY THE PATIENT**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(26) by performing professional services which have not been authorized by the patient as alleged in the facts of one or more of the following:

36. The facts in paragraphs A and A.14, and/or A and A.15.

37. The facts in paragraphs B and B.14, and/or B and B.15.

38. The facts in paragraphs C and C.14, and/or C and C.15.

39. The facts in paragraphs D and D.14, and/or D and D.15.

40. The facts in paragraphs E and E.14, and/or E and E.15.

41. The facts in paragraphs F and F.14, and/or F and F.15.

FORTY-SECOND THROUGH FORTY-SEVENTH SPECIFICATIONS

FAILING TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the facts of the following:

- 42. The facts in paragraphs A and A.13.
- 43. The facts in paragraphs B and B.13.
- 44. The facts in paragraphs C and C.13.
- 45. The facts in paragraphs D and D.13.
- 46. The facts in paragraphs E and E.13.
- 47. The facts in paragraphs F and F.12.

DATE: March 5, 2020
Albany, New York



TIMOTHY J. MAHAR, ESQ.
Deputy Counsel
Bureau of Professional Medical Conduct