



New York State Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

November 20, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Ziets, M.D.
83-10 35th Avenue
Apartment 5-L
Jackson Heights, New York 11372

RE: License No. 177701

Dear Dr. Ziets:

EFFECTIVE DATE NOVEMBER 27, 1996

Enclosed please find Order #BPMC 96-274 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Robert Asher, Esq.
295 Madison Avenue
New York, New York 10017

Paul Stein, Esq.

**IN THE MATTER
OF
ROBERT ZIETS, M.D.**

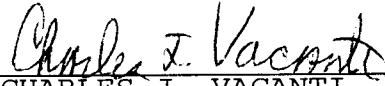
CONSENT
ORDER
BPMC #96-274

Upon the application of ROBERT ZIETS, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 15 November 1996



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
ROBERT ZIETS, M.D.**

APPLICATION
FOR
CONSENT ORDER

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

ROBERT ZIETS, M.D., being duly sworn, deposes and says:

That on or about March 15, 1989, I was licensed to practice as a physician in the State of New York, having been issued License No. 177701 by the New York State Education Department.

My current address is 83-10 35th Avenue, Apt. 5-L, Jackson Heights, New York 11372, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the allegations in the First Specification, in full satisfaction of the charges against me. This agreement not to contest the allegations shall also be in

full satisfaction of any allegations of license or registration application fraud in the states of California, New York or Texas that may arise regarding conduct that predates the execution of this Application or any actions taken by those states based on any such allegations. I hereby agree to a two year license suspension, all of which shall be stayed, with a two year period of probation on the terms specified in Exhibit "B".

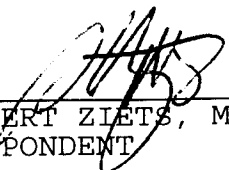
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord

and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.



ROBERT ZIETS, M.D.
RESPONDENT

Sworn to before me this

2nd day of OCTOBER, 1996.



NOTARY PUBLIC

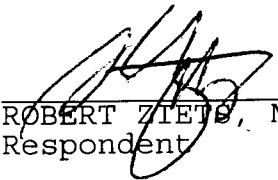
ROBERT S. ASMER
Notary Public, State of New York
No. 03-5116020
Qualified in Bronx County
Commission Expires Nov 24, 1997

**IN THE MATTER
OF
ROBERT ZIETS, M.D.**


APPLICATION
FOR
CONSENT ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: 10/2/96


ROBERT ZIETS, M.D.
Respondent

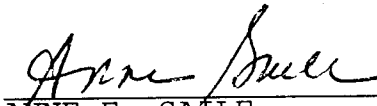
DATE: 10/2/96


ROBERT ASHER, ESQ.
Attorney for Respondent

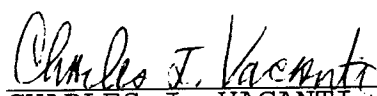
DATE: 11-6-96


PAUL STEIN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 11/13/96


ANNE F. SAILE
Acting Director
Office of Professional
Medical Conduct

DATE: 15 November 1996


CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

IN THE MATTER
OF
ROBERT ZIETS, M.D.

STATEMENT
OF
CHARGES

ROBERT ZIETS, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 15, 1989 by the issuance of license number 177701 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about February 17, 1995, Respondent executed an application for licensure and submitted it to the Texas State Board of Medical Examiners. In this application, Respondent, with intent to defraud, answered "NO" to a question regarding whether, inter alia, Respondent had ever been arrested or charged with "DWI" (driving while intoxicated), although Respondent knew this statement to be false.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FRAUD

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) (McKinney Supp. 1996) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A.

DATED: New York, New York
October , 1996

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ROBERT ZIETS, M.D. (Respondent), during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, within the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board and shall assume and bear all costs related to compliance with the Terms of Probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is 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);

7. Respondent may not commence the practice of medicine until all proposed monitors have been approved by the Office of Professional Medical Conduct.
8. Respondent shall remain free from alcohol and all other mood altering substances other than those prescribed for Respondent's treatment by a licensed physician aware of Respondent's history. Respondent shall not self-prescribe any medications.
9. Respondent shall be monitored by a qualified health care professional ("Sobriety Monitor") approved by the Office of Professional Medical Conduct ("OPMC"), familiar with Respondent's history of substance abuse and with the terms of this Consent Order. Respondent shall submit the name of a proposed successor within seven (7) days of learning that Respondent's approved Sobriety Monitor is no longer willing or able to serve.
 - a. The Sobriety Monitor shall oversee Respondent's compliance with the Terms and conditions imposed herein and shall perform random, supervised, unannounced blood, breathalyzer and/or urine tests for the presence of alcohol and other drugs in Respondent. Respondent's drugs of choice must be specifically tested. Respondent shall be screened six(6) times per month for the first six (6) months. After that period of time, specimens shall be collected at the discretion of the monitor at a frequency to be approved by the OPMC.
 - b. The Sobriety Monitor shall notify the OPMC immediately if Respondent refuses such a test.
 - c. The Sobriety Monitor shall notify the OPMC immediately if such a test reveals, or if the monitor otherwise learns, that the Respondent is not alcohol/drug free.
 - d. Every three months, the Sobriety Monitor shall submit to the OPMC a report certifying compliance with each of the terms of the Consent Order or describing in detail any failure to comply. The quarterly reports shall include the results of all tests for the presence of alcohol and other drugs performed during that quarter.
 - e. The Sobriety Monitor shall have the capacity to perform urine drug screens seven days per week.
10. Respondent shall be supervised in medical practice by a qualified health care professional ("Supervisor") approved by the OPMC, familiar with Respondent's history of substance abuse and with the terms of this Restoration Order. Respondent shall obtain a successor Supervisor subject to the approval of the Office of Professional Medical Conduct

within seven (7) days of Respondent's becoming aware that the original supervising health care professional will no longer serve in that capacity.

- a. The Supervisor shall submit a report to the Office of Professional Medical Conduct every three (3) months regarding the quality of Respondent's medical practice, any unexplained absences from work, and Respondent's compliance or failure to comply with each condition described within this Consent Order.
 - b. The Supervisor shall establish the capability of doing a "stat" toxicological screen on Respondent in response to any complaint or observation that indicates Respondent may not be drug free.
 - c. The Supervisor shall oversee the Respondent's prescribing, administering, dispensing, inventorying and wasting of controlled substances.
 - d. The Supervisor shall notify the OPMC immediately if Respondent violates any terms of this Order.
11. OPMC shall reserve the authority to have the Respondent undergo an independent evaluation every six (6) months by a practitioner approved by OPMC who specializes in chemical dependency issues and/or mental illness. A report of such assessment shall be submitted promptly to OPMC.
 12. Respondent shall continue participation in self-help fellowship (e.g., AA/NA/Caduceus/other). Respondent shall establish and maintain an ongoing relationship with a sponsor.
 13. Respondent shall not treat nor prescribe medications for any family members.
 14. Respondent shall inform all physicians or other health care practitioners from whom Respondent seeks treatment, of Respondent's history of substance abuse. Should Respondent be prescribed any controlled or mood altering substances, Respondent shall notify Respondent's Sobriety Monitor and OPMC before such medications are administered.
 15. Respondent shall immediately notify OPMC of any home or office address change. Respondent shall also advise Respondent's Sobriety Monitor and OPMC of any plans to be away from either office or home for more than seven (7) days.
 16. OPMC shall reserve the right to conduct an on-site review of Respondent's office, office records, hospital practice and hospital records at least semi-annually.
 17. OPMC shall reserve the right to meet the Respondent throughout the duration of this Order, at a time and location determined by the OPMC.

18. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.