

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

IN THE MATTER  
OF  
ROBERT O. SCHIFTAN, M.D.

STATEMENT  
OF  
CHARGES

ROBERT O. SCHIFTAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 27, 1982, by the issuance of license number 151370 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about February 20, 2017, the Board of Medicine of the State of Florida ("Board") issued a Final Order, effective on or about February 22, 2017, based on a Settlement Agreement signed by Respondent on or about December 8, 2016. The case was initiated by an Administrative Complaint (case no. 2009-23418), filed on or about May 2, 2011.
- B. Pursuant to the terms of the Settlement Agreement, Respondent neither admitted nor denied charges that he had failed to comply with appropriate professional standards in several respects as to his prescribing of controlled substances to, and his examination, evaluation, and treatment, of ten patients, and that he failed to maintain adequate records with regard to those patients. Pursuant to the Settlement Agreement and the Final Order, Respondent was reprimanded, made subject to one year's

monitored probation, required to complete a course of education in laws and rules, prescribing, and medical record keeping, required to pay a fine in the amount of forty-thousand dollars (\$40,000), required to pay costs in the amount of \$24,000, subjected to permanent license restrictions prohibiting Respondent from owning, operating, or practicing in a pain management clinic, and permanently restricting Respondent from ordering, prescribing, administering, and/or delegating the prescribing, ordering, or administering of Schedule I controlled substances, Schedule II controlled substances classified as opioids, and from prescribing or delegating the prescribing of benzodiazepines. However, Respondent was allowed to prescribe and/or delegate the prescribing of benzodiazepines for the treatment of epilepsy, and to order and/or administer benzodiazepines in a hospital setting and/or a hospital-owned clinic. The Settlement Agreement also imposed additional standard conditions on Respondent.

C. The conduct resulting in the Board's Decision and Order against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law Section 6530(3) (negligence), and/or (32) (failure to maintain a record).

### **SPECIFICATION OF CHARGES**

#### **FIRST SPECIFICATION** **HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a

license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3) and/or (32)) as alleged in the facts of the following:

1. The facts in Paragraphs A, B and C.

DATE: April 26, 2018  
Albany, New York

  
MICHAEL A. HISER, ESQ.  
Deputy Counsel  
Bureau of Professional Medical Conduct