

**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  
  
VICTORIA DRAPER, M.D.

STATEMENT  
  
OF  
  
CHARGES

Victoria Draper, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 24, 1997 by the issuance of license number 207131 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about February 16, 2015 the Florida Board of Medicine ("Florida Board") executed a Final Order (Order) that adopted, incorporated and amended a proposed Settlement Agreement signed by the Respondent. The action by the Florida Board was based on the Respondent prescribing large quantities of Oxycodone, Hydrocodone, Valium, Xanax, and Ambien to several patients for several months without maintaining medical records documenting a medical justification for the course of treatment. The Florida Board found that the Respondent (1) failed to meet the prevailing standard of care in the treatment of patients with chronic pain; (2) failed to create treatment plans; (3) failed to establish grounds to justify the need for the controlled substances she prescribed; (4) failed to refer patients for evaluations; (5) failed to address inconsistent urine testing and (6) failed to maintain adequate, legible medical records. Based on the above, the Respondent received a Reprimand, was placed on six months' probation with monitoring, a fine of \$45,000, assessed with costs of \$6,516.72 and ordered to complete five hours of continuing medical education in the area of medical ethics.
- B. On or about June 8, 2015 the Kentucky Board of Medical Licensure issued an Agreed Order based upon the Florida Board's Order, which limited the Respondent's license to practice in Kentucky indefinitely. The Respondent was

reprimanded, placed on six months probation and prohibited from practicing at, operating, managing or owning a pain management clinic.

- C. On or about August 26, 2015, the Michigan Board of Medicine (Michigan Board) issued a Consent Order limiting the Respondent's medical license based upon the Florida Board's action. The Michigan Board ordered the Respondent not to practice in Michigan until she has provided satisfactory evidence that she has complied with the conditions imposed by the Florida Board and paid a fine of \$1,000.
- D. Respondent's conduct as described above, upon which the finding of unprofessional conduct in Florida was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:
1. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion; and/or
  2. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation of the patient)

#### **SPECIFICATION OF CHARGES**

##### **FIRST SPECIFICATION**

##### **HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530 (3) and/or (32) ) as alleged in the facts of the following:

1. The facts in Paragraph A and D.

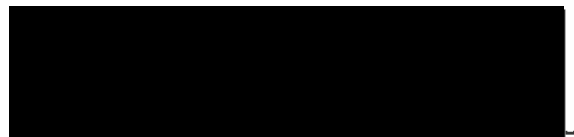
**SECOND SPECIFICATION**

**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:

2. The facts in Paragraph A, and D.

DATE: May 2, 2016  
Albany, New York



Michael A. Hiser  
Deputy Counsel  
Bureau of Professional Medical Conduct