



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA PINO, M.A., J.D.
Executive Deputy Commissioner

July 26, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Deborah Beth Medows, Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, NY 10007

Stephen L. Rockmacher, Esq.
1707 Central Avenue, Suite 200
Albany, NY 12205

Robert Weldon Christine, P.A.


RE: In the Matter of Robert Weldon Christine, P.A.

Dear Parties:

Enclosed please find the Determination and Order (No. 21-148) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent or the Department may seek a review of a committee determination.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board.

Six copies of all papers must also be sent to the attention of Judge Carney at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,


James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: nm
Enclosure

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

COPY

-----X
IN THE MATTER
OF
ROBERT WELDON CHRISTINE, P.A.
-----X

DETERMINATION
AND
ORDER

BPMC-21-148

A hearing was held on July 15, 2021, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), Ravinder Mamtani, M.D., Chairperson, James Leonardo, M.D., and Elena Cottone, P.A., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Deborah Beth Medows, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges, both dated June 4, 2021, were duly served upon Robert Christine Weldon, P.A., (Respondent), who appeared at the hearing.

The Hearing Committee received and examined documents from the Department (Exhibits 1-3). The Hearing Committee heard testimony from the Respondent. A stenographic reporter prepared a transcript of the hearing.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving 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." Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Robert Weldon Christine, P.A., the Respondent, was authorized to practice as a physician assistant in New York State on December 23, 2005 by issuance of license number 011042. (Dept. Ex. 1.)

2. The Respondent lives in and currently practices as a physician assistant in the State of New York. (Testimony [T.] Respondent.)

3. On June 6, 2020, the Respondent entered into a Settlement Agreement with the Hawaii Medical Board, which stated that an investigation indicated that the Respondent submitted a supervising physician verification form to the Hawaii Medical Board that was false, untrue, or contained a material misstatement of fact, and that the Respondent procured a license through misrepresentation. (Dept. Ex. 3.)

4. Under the terms of the Settlement Agreement, the Respondent voluntarily surrendered his physician assistant license and shall not apply for a new license for at least five years. (Dept. Ex. 3.)

VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

HEARING COMMITTEE DETERMINATIONS

The Department charged the Respondent with professional misconduct pursuant to Educ. Law § 6530(9)(d). The charge contains one specification alleging the Respondent had disciplinary action taken by a duly authorized professional disciplinary agency of another state. The Hearing Committee concludes that the conduct resulting in the Hawaii Medical Board disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in Educ. Law § 6530(1) for obtaining a license fraudulently and Educ. Law § 6530(21) for willfully making or filing a false report.

The Department has recommended that the Respondent be subject to a censure and reprimand and fined \$10,000. The Respondent asks that this matter be dismissed in the interests of justice.

The Hearing Committee appreciated the candor of the Respondent and his explanation of his job application process and Hawaii Medical Board physician assistant license application surrounding his anticipated employment in Hawaii. The Hearing Committee stresses the importance of truthful and accurate information being supplied to licensing authorities. Yet, it finds sincere the Respondent's testimony that he made a mistake by not rescinding the supervising physician's name that he supplied to the Hawaii Medical Board and that it was never his intention to act fraudulently.

After considering all the evidence before them, the Hearing Committee feels that a censure and reprimand is appropriate in this matter. The Hearing Committee declines to impose a fine in this matter after concluding that it would not serve any purpose and is not warranted under the circumstances.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained;
2. The Respondent is subject to censure and reprimand pursuant to PHL § 230-a(1); and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: Albany, New York
July _____, 2021



07/24/2021

Ravinder Mamtani, M.D., Chairperson
James Leonardo, M.D.
Elena Cottone, P.A.

Deborah Beth Medows, Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
90 Church Street, 4th Floor
New York, NY 10007



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Robert Weldon Christine, P.A.



APPENDIX I

EXHIBIT "A"

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

**IN THE MATTER
OF
ROBERT WELDON CHRISTINE, P.A.**

**STATEMENT
OF
CHARGES**

Robert Weldon Christine, P.A, the Respondent, was authorized to practice as a physician assistant in New York State on or about December 23, 2005, by the issuance of license number 011042 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 26, 2020, Respondent entered into a voluntary Settlement Agreement with the Hawaii Medical Board, which stated that Respondent submitted a supervising physician verification form that was false, untrue, or contained a material misstatement of fact, and that Respondent procured a license through misrepresentation. Respondent surrendered his license, which Respondent could not apply to renew for at least five years.

1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State Law:

- a. New York Education Law §6530(1) (Obtaining the license fraudulently.)

b. New York Education Law §6530(21) (Willfully making or filing a false report.)

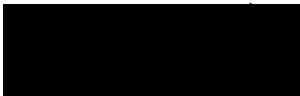
SPECIFICATION OF CHARGES

HAVING A 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 (1) and (21), as alleged in the facts of the following:

1. The facts in Paragraph A.

DATE: June 4, 2021
New York, New York


Henry Weintraub
Chief Counsel
Bureau of Professional Medical Conduct