

PUBLIC



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

OFFICE OF PROFESSIONAL DISCIPLINE
(718) 246-3060/3061

195 MONTAGUE STREET - FOURTH FLOOR
BROOKLYN, NEW YORK 11201

July 2, 2013

David Roemer, Physician

REDACTED

Re: Application for Restoration

Dear Dr. Roemer:

Enclosed please find the Commissioner's Order regarding Case No CP-13-02, which is in reference to the restoration of license number 203954. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

LOUIS J. CATONE, Director
Office of Professional Discipline

By: REDACTED


ARIANA MILLER
Supervisor

DJK/AM/er
Enclosure

CERTIFIED MAIL - RRR

cc: Daniel Hurteau, Esq.
30 South Pearl Street, Suite 900
Albany, NY 12207



The
University of the
Education  State of New York
Department

IN THE MATTER

of the

Application of DAVID ROEMER
for restoration of his license to
practice as a physician in the State of
New York.

Case No. CP-13-02

It appearing that the license of DAVID ROEMER, authorizing him to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct dated May 2, 2003, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, except having agreed with and accepted the Terms of Probation recommended by the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 12, 2013, it is hereby

ORDERED that the petition for restoration of License No. 203954, authorizing DAVID ROEMER to practice as a physician in the State of New York, is denied, but that the execution of the Order of surrender of said license is stayed, and said DAVID ROEMER is placed on

probation for a period of five years under specified terms and conditions, and upon successful completion of the probationary period, his license to practice as a physician in the State of New York shall be fully restored.



IN WITNESS WHEREOF, I, John B. King, Jr., Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 17th day of June 2013.

REDACTED

Commissioner of Education

A handwritten signature in black ink, appearing to be "John B. King, Jr.", written over the printed name of the Commissioner of Education.

It appearing that the license of DAVID ROEMER, authorizing him to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct dated May 2, 2003, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Committee and the Committee on the Professions, except having agreed with and accepted the Terms of Probation recommended by the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 12, 2013, it is hereby

ORDERED that the petition for restoration of License No. 203954, authorizing DAVID ROEMER to practice as a physician in the State of New York, is denied, but that the execution of the Order of surrender of said license is stayed, and said DAVID ROEMER is placed on probation for a period of five years under specified terms and conditions, and upon successful completion of the probationary period, his license to practice as a physician in the State of New York shall be fully restored.

EXHIBIT "A"

TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS

David Roemer, M.D.

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, N.Y. 12204-2719, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That the applicant, before engaging in any other practice, shall first complete a psychiatric fellowship or residency training, preferably in a program approved by the Accreditation Counsel for Graduate Medical Education (ACGME), said program having received the prior written approval of the Director of OPMC; or, in the event that the applicant is unable to obtain such a psychiatric fellowship or residency training, he may submit a plan to OPMC for re-training in an Article 28 or other supervised group setting and, if acceptable to OPMC, may substitute said plan in place of the fellowship or residency;
4. That applicant shall submit himself for random monitoring in regard to the use of drugs by a person or facility to be chosen by applicant and approved by the New York State Department of Health, after obtaining prior written approval by the New York State Department of Health, said person or facility to conduct an examination of applicant at least once every month during the period of probation, at such times as said person or facility may choose, at applicant's expense, said examination to include urine samples for the detection of any drug in applicant. Applicant shall submit or cause to be submitted a written report from and signed by said person or an authorized person from said facility, once every month during the period of probation, which shall state whether the presence of any drug(s) has been detected by virtue of the said examination and shall also indicate the name of said drug(s). In the event any drug(s) is detected, applicant shall submit a sworn affidavit explaining the use of said drug(s), as well as any other papers applicant wishes to submit in that regard. The said reports and affidavits, as well as any other papers, shall be forwarded to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid. If any information is received by the New York State Department of Health indicating that applicant is not drug-free and/or not fit to practice his profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents;
5. That applicant shall supply written reports, once every three months, from a

psychiatrist, chosen by applicant and previously approved, in writing by the New York State Department of Health, to which psychiatrist applicant shall submit, at applicant's expense, to an examination and any necessary treatment, once every three months during the period of probation, said written reports by the psychiatrist to state whether or not applicant is fit to practice as a physician in the State of New York; that applicant must be fit to practice as a physician in the State of New York in order to be in compliance with this term of probation, such fitness to be demonstrated by said report from the psychiatrist; and that if information is received by the New York State Department of Health, from said psychiatrist indicating that applicant is unfit to practice applicant's profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Department of Health and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents;

6. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
7. That applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;
8. That applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;
9. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding;
10. That the period of probation shall be tolled during periods in which the applicant is not engaged in the active practice of medicine in New York State. The applicant shall notify the Director of OPMC in writing, if the applicant is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. The applicant shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon the applicant's return to practice in New York State.