



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

March 16, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert L. Miller, M.D.
898 Lake Road
Penn Yan, New York 14527

RE: License No. 090798
Effective Date: 3/23/93

Dear Dr. Miller:

Enclosed please find Order #BPMC 93-35 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 430
Albany, New York 12237-0514

Sincerely,

C. Maynard Guest

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :
OF : ORDER
ROBERT LEE MILLER, M.D. : BPMC 93-35

-----X

Upon the Application of ROBERT LEE MILLER, M.D.
(Respondent) to Surrender his license as a physician in the State
of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof
are hereby adopted; it is further

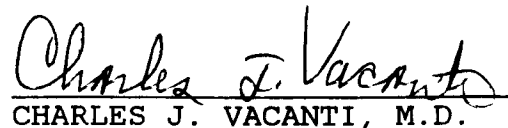
ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; 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 via certified mail, whichever is
earliest.

SO ORDERED,

DATED: 11 March 1993



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

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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the third specification of professional misconduct set forth in the charges and the factual allegations alleged therein.

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

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Robert Lee Miller M.D.

ROBERT LEE MILLER, M.D.
Respondent

Sworn to before me this
8th day of March, 1993

Leland T. Williams

NOTARY PUBLIC

LELAND T. WILLIAMS

Notary Public, State of New York
Qualified in Monroe County

My Commission Expires March 30, 1995

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
ROBERT LEE MILLER, M.D. : LICENSE

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: March 8, 1993

Robert Lee Miller
ROBERT LEE MILLER, M.D.
Respondent

Date: MARCH 8, 1993

Tracy A. Powell
TRACY POWELL, ESQ.
Attorney for Respondent

Date: March 9, 1993

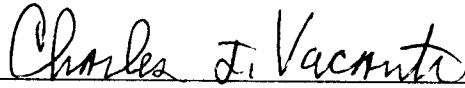
Frederick Zimmer
FREDERICK ZIMMER
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: March 15, 1993



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 11 March 1993



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

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

-----X
IN THE MATTER : STATEMENT
OF : OF
ROBERT LEE MILLER, M.D. : CHARGES
-----X

ROBERT LEE MILLER, M.D., the Respondent, was authorized to practice medicine in New York State on July 19, 1963 by the issuance of license number 90798 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 with a current registration address of 220 Linden Oaks, Rochester, New York 14625.

FACTUAL ALLEGATIONS

A. Respondent, since Patient A's birth and at all times described below, was Patient A's pediatrician. Patient A is now approximately eight years old. (All patients are identified in the Appendix.) Respondent, on or about February 6, 1993, at his house at 19 Ridgeview Drive, East Rochester, New York, engaged in the following physical contact of a sexual nature with Patient A;

EXHIBIT A

1. Respondent fondled Patient A's genital area.
2. Respondent took Patient A's hand and placed it on Respondent's genital area.

B. Respondent, during a period of approximately twenty years ending on or about October 23, 1991, provided medical care to Patient B who has Tourette's syndrome and obsessive compulsive disorder. At all times described below, Patient B was approximately thirty three years old. Respondent, at various times from approximately September 1991 through December 1991, at Patient B's home, at Respondent's office at Panorama Pediatrics, 220 Linden Oaks, Rochester, New York and/or at at 675 Panorama Trail, Rochester, New York, at Respondent's home at 19 Ridgeview Drive, East Rochester, New York and/or at Respondent's cottage at 898 East Lake Road, Penn Yan, New York, engaged in the following physical contact of a sexual nature with Patient B;

1. Respondent hugged Patient B and frontally rubbed Respondent's body against Patient B's body.
2. Respondent lay on top of Patient B.
3. Respondent fondled Patient B's genital area.
4. Respondent took Patient B's hand and placed it on Respondent's genital area.
5. Respondent rubbed his penis on Patient B's body.
6. Respondent ejaculated on Patient B.

SPECIFICATION OF CHARGES

FIRST THROUGH SECOND SPECIFICATIONS

CONDUCT EVIDENCING MORAL UNFITNESS TO PRACTICE MEDICINE

Respondent is charged with professional misconduct under under N.Y. Educ. Law Sec. 6530 (20) (McKinney Supp. 1993) by reason of his conduct in the practice of medicine which evidences moral unfitness to practice medicine in that Petitioner charges;

1. The facts in Paragraphs A and A.1 and/or A.2.
2. The facts in Paragraphs B and B.1 and/or B.2, B.3, B.4, B.5, B.6 and/or B.7.


THIRD THROUGH FOURTH SPECIFICATIONS

WILLFUL PHYSICAL ABUSE OF A PATIENT

Respondent is charged with professional misconduct under N.Y. Educ. Law 6530 (31) (McKinney Supp. 1993) by reason of his willful physical abuse of a patient in that Petitioner charges;

3. The facts in Paragraph A and A.1 and/or A.2.
4. The facts in Paragraph B and B.1 and/or B.2, B.3, B.4, B.5, B.6 and/or B.7.

DATED: Albany, New York
March 5, 1993



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct