



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr.P.H.

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NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
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Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

March 1, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert N. Phelps, Jr., M.D.
54 Merchant's Landing
Spruce Head, ME 04859

RE: License No. 122860

Dear Dr. Phelps:

Enclosed please find Order #BPMC 01-55 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 1, 2001**.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Barry A. Gold, Esq.
Thuillez, Ford, Gold & Johnson, LLP
90 State Street, Suite 1500
Albany, NY 12207

Robert Bogan, Esq.

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

IN THE MATTER

OF

**ROBERT N. PHELPS, Jr., M.D.
CO-00-08-3800-A**

SURRENDER

ORDER

BPMC #01-55

ROBERT N. PHELPS, Jr., M.D., says:

On or about January 30, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 122860 by the New York State Education Department. I currently reside at SAIL MERCHANT'S LANDING SPRUCE HEAD

MAINE

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in the state of New York since 1974, and do not intend to return to practice in New York state. I am, therefore, applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the two (2) specifications and Factual Allegations A and B(1), set forth in the Statement of Charges (Exhibit A).

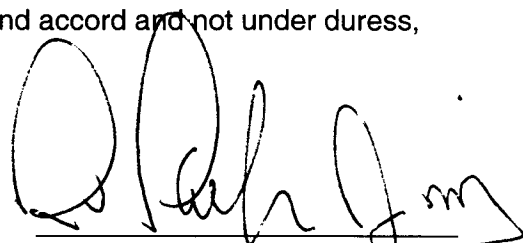
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

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

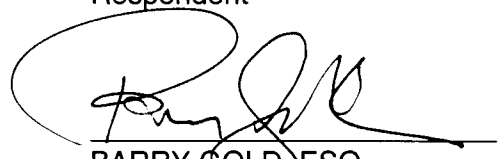
Date: 1/23/2001, 2001



ROBERT N. PHELPS, Jr., M.D.
Respondent

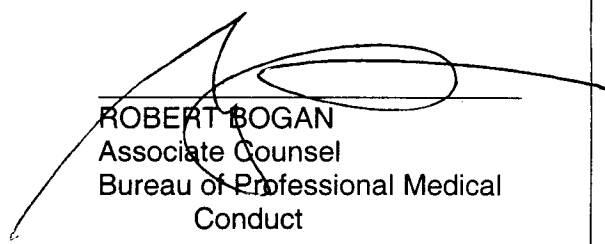
AGREED TO:

Date: 14 February, 2001



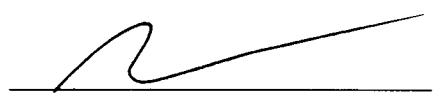
BARRY GOLD, ESQ.
Attorney for Respondent

Date: 21 February, 2001



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 2/22, 2001



Dennis J. Graziano
Director
Office of Professional Medical Conduct

ORDER

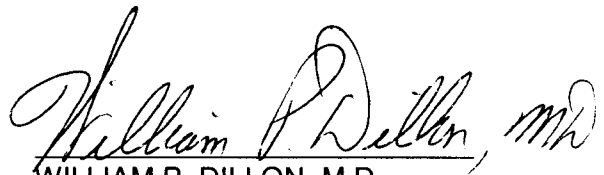
Upon the proposed agreement of **ROBERT N. PHELPS, Jr., M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

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

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2/26, 2001


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

' Exhibit A''

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

IN THE MATTER
OF
ROBERT N. PHELPS, JR., M.D.

STATEMENT
OF
CHARGES

ROBERT N. PHELPS, JR., M.D., the Respondent, was authorized to practice medicine in New York state on January 30, 1975, by the issuance of license number 122860 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 13, 2000, the State of Maine, Board of Licensure in Medicine (hereinafter "Maine Board"), by a Consent Agreement (hereinafter "Maine Agreement"), placed Respondent on PROBATION INDEFINITELY, required him to continue in counseling, use a chaperone when seeing female patients, mandatory clinical and professional supervision, pursue ongoing education in matters regarding the doctor-patient relationship, and document his ongoing education on his next two applications for renewal of his medical license, based on sexual misconduct.

B. The conduct resulting in the Maine Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(5) (incompetence on more than one occasion);
3. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations); and/or
4. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York State Education Law §6530(9)(b) 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 New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *Nov. 21*, 2000
Albany, New York


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