



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.  
Executive Secretary

September 27, 1994

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Robert Brown, Jr., M.D.  
Dillon Building  
Suite 614  
1820 Barrs Street  
Jacksonville, Florida 32204

RE: License No. 141994

Dear Dr. Brown:

Enclosed please find Order #BPMC 94-202 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 438  
Albany, New York 12237-0756

Sincerely,

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

Enclosures

cc: Julie Gallagher, Esq.  
Stowell, Anton & Kraemer  
201 S. Monroe Street  
Suite 200  
Tallahassee, Florida 32302

Daniel Guenzburger, Esq.

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

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IN THE MATTER :  
OF : ORDER  
ROBERT CHARLES BROWN, JR, M.D. : BPMC #94-202

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Upon the Application of ROBERT CHARLES BROWN, JR., M.D. (Respondent) to Surrender his or her 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 deleted 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: Sept 23, 1994



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".

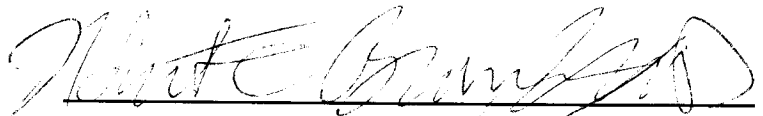
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I ~~am~~ <sup>do not contest</sup> guilty to the one specification of professional misconduct set forth in the Statement of Charges.

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 ~~deleting~~ <sup>to</sup> 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.

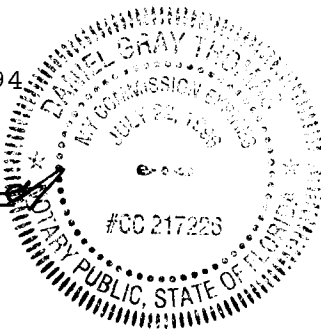


ROBERT CHARLES BROWN, JR., M.D.  
Respondent

Sworn to before me this  
18<sup>th</sup> day of August, 1994



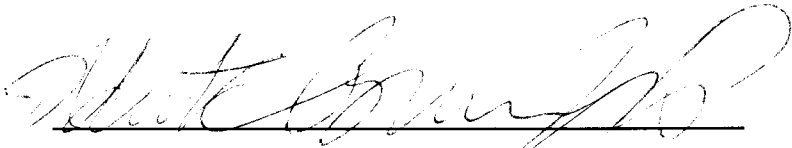
NOTARY PUBLIC

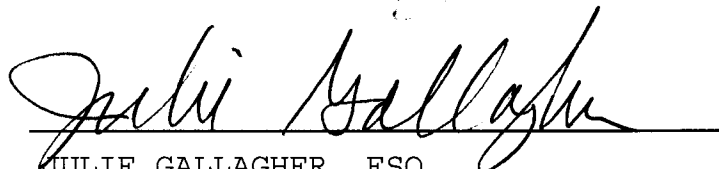


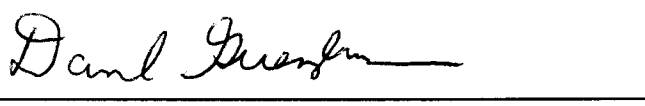
STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
ROBERT CHARLES BROWN, JR., M.D. : LICENSE  
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The undersigned agree to the attached application of the Respondent to surrender his license.

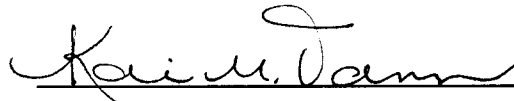
Date: 9-18, 1994   
ROBERT CHARLES BROWN, JR., M.D.  
Respondent

Date: 9/9, 1994   
JULIE GALLAGHER, ESQ.  
Attorney for Respondent

Date: 9/12, 1994   
DANIEL GUENZBURGER  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

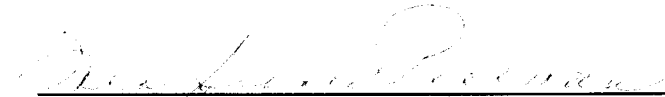
ROBERT CHARLES BROWN, JR., M.D.

Date: Sept. 20, 1994



KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

Date: Sept. 20, 1994



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

"EXHIBIT A"



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

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IN THE MATTER : STATEMENT  
OF : OF  
ROBERT CHARLES BROWN, JR., M.D. : CHARGES

-----X

ROBERT CHARLES BROWN, JR., M.D., the Respondent, was authorized to practice medicine in New York State on May 2, 1980 by the issuance of license number 141994 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.

**SPECIFICATION**

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(b) (McKinney Supp. 1994), in that he has been found guilty of improper professional practice or professional misconduct 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, specifically:

On or about February 26, 1993, the Board of Medicine of the State of Florida ("Board") found that Respondent violated Fla. Stat. Ann. Sec. 458.331(1)(t) (1993) in that he committed gross malpractice and failed to practice medicine with a level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. In addition, the Board found that Respondent violated Fla. Stat. Ann. Sec. 458.331(m) (1993) by failing to keep written medical records justifying the course of treatment of patients.

The Board's findings included but are not limited to the following: (1) On March 20, 1987 and June 26, 1987 the Respondent inappropriately attempted the tubal reanastomosis of a patient who had a previous tubal ligation and, further, on August 7, 1987 he inappropriately performed a laparoscopic examination on the same patient; (2) On another patient Respondent incorrectly diagnosed endometriosis, failed to perform a pelvic ultrasound, performed an unnecessary laparoscopy, and inappropriately recommended a

total hysterectomy; (3) On a third patient the Respondent incorrectly diagnosed endometriosis and inappropriately performed a laparoscopy and a laparotomy; and (4) On a fourth patient the Respondent failed to diagnose that the patient had an ectopic pregnancy and failed to order surgery for the ectopic pregnancy.

The Board ordered Respondent's license be suspended until such time as he successfully completes one year of a residency or fellowship training program approved by the Board or, alternatively, successfully passes the "Special Purposes Examination." The Board also required as a condition of continued licensure that Respondent refrain from performing operative gynecology in his office. Further, the Board placed Respondent on 5 years probation, during which period the Board required that Respondent practice under an approved plan of physician supervision. Finally, the Board reprimanded the Respondent and imposed a \$5,000.00 fine.

The above acts, if committed in New York State, would have constituted professional misconduct

under N.Y. Educ. Law Section 6530(3)  
("Practicing the profession with negligence on  
more than one occasion"), 6530(4) ("Practicing  
the profession with gross negligence on a  
particular occasion"), 6530(5) ("Practicing the  
profession with incompetence on more than one  
occasion"), 6530(6) ("Practicing the profession  
with gross incompetence"), 6530(35) ("Ordering  
of excessive tests and treatment not warranted  
by the condition of the patient") and 6530(32)  
("Failing to maintain a record for each patient  
which accurately reflects the evaluation and  
treatment of the patient"). (McKinney  
Supp. 1994).

DATED: New York, New York

March 30, 1994



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct