

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

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IN THE MATTER  
OF  
VICTOR MARIANI, M.D.  
CO-07-11-6463-A

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COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: VICTOR MARIANI, M.D.  
Redacted Address

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **VICTOR MARIANI, M.D.**, Respondent, licensed to practice medicine in the State of New York on October 17, 1990, by license number 184345 has been found guilty of committing an act constituting a felony under federal law, in the United States District Court, District of Rhode Island, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **VICTOR MARIANI, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN  
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL  
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,  
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17<sup>th</sup> day of July 2008, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at

no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION  
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK  
STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE  
FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN  
NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO  
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

5/21/2008

Redated Signature

~~RICHARD F. DAINES, M.D.~~  
Commissioner of Health

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

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STATEMENT  
OF  
CHARGES

**VICTOR MARIANI, M.D.**, Respondent, was authorized to practice medicine as a Physician in New York state on October 17, 1990, by the issuance of license number 184345 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 2, 2007, in the United States District Court, District of Rhode Island, Respondent was found guilty, based on a plea of guilty, one (1) count of Conspiracy to Distribute Human Growth Hormones and Anabolic Steroids, in violation of 18 U.S.C. §371, eleven (11) counts of Distribution of Human Growth Hormones; Aiding and Abetting, in violation of 21 U.S.C. §333(e)(1) and 18 U.S.C. §2, and fourteen (14) counts of Distribution of Anabolic Steroids; Aiding and Abetting, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(D) and 18 U.S.C. §2, felonies, and was sentenced to three (3) years probation for each count, to be served concurrently, with special conditions that include that the first twelve (12) months of probation to be served on home confinement with electronic monitoring, to perform ten (10) hours of community service per each month of probation, and prohibited him from renewing his authority to write prescriptions, and to pay a \$2,600.00 assessment and a \$6,000.00 fine, and that he forfeit \$34,845.00 derived from the controlled substances violations of which he has been convicted.

**SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *May 21*, 2008  
Albany, New York

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