



**New York State Board for Professional Medical Conduct**

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

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*Executive Secretary*

January 22, 2002

Robert Bentley, Director  
Division of Professional Licensing  
NYS Education Department  
89 Washington Avenue, 2nd Floor  
Albany, NY 12230

**RE: Modification of Consent Order  
BPMC 01-62**

Dear Mr. Bentley:

Enclosed please find a **Modification of Consent Order BPMC 01-62**. A meeting of a Committee of the Board for Professional Medical Conduct was held on November 13, 2001. The Committee ordered that the suspension of the medical license of Joseph Edgar Robinson, MD, License No. 203824 be lifted and that Dr. Robinson be allowed to practice medicine subject to the restrictions contained in the enclosed Order which became effective **January 16, 2002**.

Sincerely,  


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

Enclosure

cc: Daniel Kelleher

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

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IN THE MATTER

MODIFICATION

OF

OF

JOSEPH E. ROBINSON, MD

CONSENT ORDER

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This matter was brought to the New York State Board for Professional Medical Conduct for decision at the request of Joseph E. Robinson, MD., (Petitioner), License No. 203824. Petitioner entered into a Consent Order effective March 13, 2001. The Order suspended Petitioner's license to practice as a physician for an indefinite period. The purpose of the proceeding was to determine whether this suspension was to be stayed upon the satisfaction of a Committee of Professional Medical Conduct that Petitioner, among other things, has successfully completed a course of therapy prescribed by the Board which includes a determination that Petitioner is no longer incapacitated for active practice and that he is both fit and competent to practice as a physician.

A meeting of the Committee was held in the above-entitled proceeding on November 13, 2001. Petitioner appeared with his attorney, Sharif Mahdavian, Esq. before a Committee of the State Board for Professional Medical Conduct consisting of Charles J. Vacanti, MD, Chair, Lawrence B. Sternberg, MD and Sandra L. Williams, RN. The Committee determined, by unanimous decision, after careful consideration of all evidence submitted to them prior to the meeting and the testimony provided, that the suspension of Petitioner's license shall be stayed and he shall be allowed to practice as a physician subject to the following conditions.

THEREFORE, IT IS HEREBY ORDERED THAT:

The Petitioner's return to practice as a physician is subject to the following conditions. Unless otherwise indicated, these conditions shall remain in effect for a period of probation lasting five (5) years from the effective date of this Order.

**Petitioner may not return to practice as a physician until all proposed monitors have been approved by the Office of Professional Medical Conduct.**

1. Petitioner shall remain free from alcohol and all other mood altering substances other than those prescribed for Petitioner's treatment by a licensed physician aware of Petitioner's history.

**Petitioner shall not self-prescribe any medications. Petitioner shall not treat or prescribe medications for any family member.**

2. Petitioner shall be monitored by a qualified health care professional (Sobriety Monitor) proposed by Petitioner and approved in writing by the Director of the Office of Professional Medical Conduct (OPMC). The Sobriety Monitor is to be familiar with Petitioner's history of substance abuse and with the terms of this Order. Petitioner shall submit the name of a proposed successor within seven (7) days of learning that the approved Sobriety Monitor is no longer willing or able to serve.

a. The Sobriety Monitor shall oversee Petitioner's compliance with the terms and conditions imposed herein and shall cause to be performed forensically valid, random, **directly supervised**, unannounced blood, breath and/or urine tests for the presence of alcohol and other drugs in Petitioner.

**Petitioner shall be screened eight (8) times per month for the first year of practice. The Petitioner shall be called on a seven day a week basis. After the first year of practice, if the Petitioner is fully compliant with the required number of screens, specimens shall be collected at the discretion of the Sobriety Monitor at a frequency to be approved by the Director of OPMC.**

- b. **The Sobriety Monitor shall notify OPMC immediately if Petitioner refuses such a test.**
  - c. The Sobriety Monitor shall notify OPMC immediately if such a test reveals, or if the monitor otherwise learns, the Petitioner is not alcohol/drug free.
  - d. Every three (3) months, the Sobriety Monitor shall submit to OPMC a report certifying compliance with each of the terms of this Order or describing in detail any failure to comply. The quarterly reports shall include forensically valid results of all tests for the presence of alcohol and other drugs performed during that quarter.
  - e. The Sobriety Monitor shall have the capacity to perform drug screens on a seven day per week basis. Petitioner shall report to the Sobriety Monitor **within four (4) hours** of being contacted by the Sobriety Monitor to submit a blood, breath and/or urine test.
  - f. Petitioner shall avoid all substances which may cause positive results such as poppy seeds/mouthwash/cough medication. **Any positive result will be considered a violation of this Order.**
  - g. **If Petitioner is to be unavailable for sobriety monitoring for a period of 15 days or more,** Petitioner shall notify his Sobriety Monitor and seek and receive prior written permission from the Director of OPMC subject to any additional terms and conditions required by the OPMC.
3. The Committee approves the practice proposal as submitted at the time of the proceeding, including the guidelines regarding his gradual return to full duty as a member of Jefferson Anesthesiologist Services, P.C. If Petitioner's status with Jefferson Anesthesiologist Services, P.C.

changes, he must **immediately** notify the Director of OPMC and submit a new practice plan for approval.

4. Petitioner shall be supervised in his practice by a licensed physician (Practice Supervisor) proposed by Petitioner and approved in writing by the Director of OPMC. The Practice Supervisor is to be familiar with Petitioner's history of substance abuse and with the terms of this Order and must be in a position to regularly observe and assess Petitioner's practice.

- a. The Practice Supervisor shall establish the capability of doing a "stat" toxicological screen on Petitioner in response to any complaint or observation that indicates Petitioner may not be drug or alcohol free
- b. The Practice Supervisor shall oversee the Petitioner's prescribing, administering, wasting, dispensing and inventorying of controlled substances.
- c. The Practice Supervisor shall immediately report any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
- d. **The Practice Supervisor shall notify OPMC immediately if Petitioner violates any term(s) of this Order**
- e. The Practice Supervisor shall submit a report to OPMC every three (3) months regarding the quality of Petitioner's practice, any unexplained absences from work, and Petitioner's compliance or failure to comply with each condition described within this Order.

5. Petitioner shall continue in treatment with a qualified health care professional (Therapy Monitor) proposed by Petitioner and approved in writing by the Director of OPMC. The Therapy Monitor is to be familiar with the Petitioner's history of substance abuse and the terms of this Order. Petitioner will continue in treatment with the Therapy Monitor for the duration of the Order, at a frequency of therapy visits to be decided by the Therapy Monitor. Petitioner shall submit the name of a proposed successor within seven (7) days of becoming aware that the approved Therapy Monitor is no longer willing or able to serve in that capacity.

a. The Therapy Monitor shall submit a report to OPMC every three (3) months certifying compliance with treatment by Petitioner and describing in detail any failure to comply.

b. The Therapy Monitor shall report immediately to OPMC any significant pattern of absences or failure to comply with recommended treatment by Petitioner.

c. The Director of OPMC shall reserve the authority to direct the Petitioner to undergo an independent evaluation by a practitioner approved by the Director of OPMC who specializes in chemical dependency issues and/or mental illness. The Petitioner shall provide the evaluator with copies of all previous treatment records and a copy of this Order. Reports of such evaluations shall be submitted promptly to the Director. Petitioner shall follow treatment recommendations made by the evaluator. If the evaluator determines that the Petitioner is not fit to practice, the Petitioner shall immediately cease practice until it is determined he is fit to resume practice. Failure to comply with treatment recommendations will be considered a violation of this Order.

6. Petitioner shall continue participation in self-help fellowship (e.g., AA, NA, Caduceus, other). Petitioner shall maintain an ongoing relationship with a sponsor.

13. **Petitioner** shall comply with all terms, conditions, restrictions and limitations to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance of the Order. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Petitioner as may be authorized pursuant to the law.

As Petitioner agreed in the Consent Order, failure to comply with any of the conditions described above may result in disciplinary action.

This Order shall be effective upon issuance.

DATE: 16 January 2002

Charles J. Vacanti

Charles J. Vacanti, MD, Chair  
State Board for Professional Medical Conduct