



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

Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

September 8, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Faust, M.D.
626 Western Avenue
Albany, New York 12203

RE: License No. 098901
EFFECTIVE DATE 09/15/94

Dear Dr. Faust:

Enclosed please find Order #BPMC 94-180 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

Enclosure

cc: Lawrence M. Schwartz, Esq.
Kern, Augustine, Conroy & Schoppmann, P.C.
1120 Route 22 East
Bridgewater, New Jersey 08807

E. Marta Sachey, Esq.

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

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IN THE MATTER :
OF : ORDER
ROBERT FAUST, JR. M.D. : **BPMC #94-180**

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Upon the Application of ROBERT FAUST, JR., M.D (Respondent) for Consent Order, which Application is made a part hereof, it is ORDERED, that the Application and the provisions thereof are hereby adopted and so ORDERED, 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 by certified mail, whichever is earliest.

SO ORDERED,

DATED: 3 September 1994

Charles J. Vacanti

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

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IN THE MATTER : APPLICATION
OF : FOR
ROBERT FAUST, JR., M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF ALBANY)

ROBERT FAUST, JR., M.D., being duly sworn, deposes and says:

1. I was authorized to practice medicine on June 22, 1967 by the issuance of license number 098901 by the New York State Education Department.
2. I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1993 through December 31, 1994, at 626 Western Avenue, Albany, New York 12203.
3. I understand that the New York State Board for Professional Medical Conduct [hereafter "Board"] has charged me with professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."

4. I hereby agree not to contest the allegations set forth in the Statement of Charges in full satisfaction of all charges.

5. I hereby agree to the following penalties:
 - (a) Suspension of my license for two years, such suspension stayed.

 - (b) A two year period of probation under the Terms of Probation set forth and attached hereto as "Exhibit B," which period shall begin on the effective date of the Order issued pursuant to this Application and which period shall run only during those times when I am engaged in the practice of medicine in New York State.

6. I hereby make this Application to the Board and request that it be granted.

7. I understand that, in the event this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

8. 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.

9. 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 R Faust Jr
ROBERT FAUST, JR. M.D.
RESPONDENT

Sworn to before me this

19 day of August, 1994.

Kelley Ann Albert
NOTARY PUBLIC
KELLEY ANN ALBERT
Notary Public, State of New York
Residing in Albany County
Commission Expires October 2, 1995

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
ROBERT FAUST, JR., M.D. : CONSENT
: ORDER
-----X

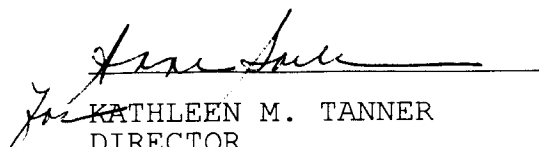
The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 8/19/94 Robert R Faust Jr
ROBERT FAUST, JR., M.D.
Respondent

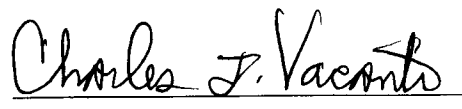
DATE: 8/25/94 Larry Schwartz
LARRY SCHWARTZ, ESQ., ESQ.
Attorney for Respondent

DATE: 9-1-94 E. Marta Sachey
E. MARTA SACHEY
Associate COUNSEL
Bureau of Professional
Medical Conduct

DATE: September 1 1994


KATHLEEN M. TANNER
DIRECTOR
Office of Professional
Medical Conduct

DATE: 3 September 1994


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

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

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ROBERT FAUST, JR., M.D., the Respondent, was authorized to practice medicine in New York State on June 22, 1967 by the issuance of license number 098901 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 626 Western Avenue, Albany, New York 12203^f.

FACTUAL ALLEGATIONS

- A. Respondent, at various times from approximately 1974 through July, 1990, provided medical care to Patient A [patients are identified in the Appendix] at Respondent's office at 626 Western Avenue, Albany, New York 12203 [hereafter "office"]. Respondent failed to adequately assess Patient A's change in bowel habits and weight loss in a timely manner.
- B. Respondent, at various times from approximately 1979 through February, 1992, provided medical care to Patient B at his office. Respondent failed to perform

and/or document the results of adequate physical examinations and/or routine health care screening of Patient B.

- C. Respondent, at various times from approximately 1974 through March, 1992, provided medical care to Patient C at his office. Respondent failed to perform and/or document the results of adequate physical examinations and/or routine health care screening of Patient C.
- D. Respondent, at various times from approximately 1988 through November, 1991, provided medical care to Patient D at his office. Respondent failed to obtain and/or document an adequate history of Patient D's treatment with other physicians.
- E. Respondent, at various times from approximately 1982 through September, 1989, provided medical care to Patient E at his office. Respondent failed to perform and/or document the results of adequate physical examinations and/or routine health care screening of Patient E.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE
ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(3) (McKinney Supp. 1994) by reason of his practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A, B, C, D and/or E.

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SECOND THROUGH FIFTH SPECIFICATIONS

INADEQUATE RECORDS

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(32) (McKinney Supp. 1994) by reason of his failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, in that Petitioner charges:

2. The facts in Paragraph B.
3. The facts in Paragraph C.
4. The facts in Paragraph D.

5. The facts in Paragraph E.

DATED: *August 4*, 1994
Albany, New York

Peter D. Van Buren

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

EXHIBIT B

TERMS OF PROBATION

ROBERT FAUST JR., M.D.

1. Respondent during the period of probation shall conduct himself in all ways in a manner befitting his professional status and shall conform fully to the ethical and professional standards of conduct imposed by law and his profession
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereinafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number and of any change in Respondent's employment, practice, residence, or telephone number within or without New York State.
3. Respondent shall submit to OPMC, no later than the first three months of the period of probation, written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than the first two months of the period of probation, written proof that (a) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may every three months during the probation period review Respondent's practice of medicine. Such reviews may include, without limitation and at the discretion of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, or any other reasonable means of reviewing Respondent's practice of medicine. Respondent's cooperation shall include, without limitation, providing at the direction of the Medical Coordinator or other physician, the names, medical treatment or evaluation provided and/or medical records of patients Respondent has seen.

6. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
7. Respondent, so long as there is full compliance with every term herein, may practice his profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.