

**These charges are only allegations which  
may be contested by the licensee in an  
Administrative hearing.**

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

IN THE MATTER  
OF  
BRANDON PORTER, M.D.

NOTICE  
OF  
HEARING

TO: Brandon Porter, M.D.  
c/o Mr. Michael Kelton, Esq.  
Abrams, Fensterman, Fensterman,  
Eisman, Formato, Ferrara, Wolf & Carone, LLP  
1 Metrotech Center, Suite 1701  
Brooklyn, New York 11201

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. 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 June 27, 2018, at 10:00 a.m., at the Offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here \_\_\_\_\_

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. 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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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 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 OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a.  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO  
REPRESENT YOU IN THIS MATTER.

DATE: April 24, 2018  
Albany, NY

  
MICHAEL A. HISER, ESQ.  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be directed to:  
Jeffrey J. Conklin, Associate Counsel  
Bureau of Professional Medical Conduct  
Rm 2512, Corning Tower, ESP  
Albany, New York 12237  


IN THE MATTER  
OF  
BRANDON PORTER, M.D.

STATEMENT  
OF  
CHARGES

BRANDON PORTER, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 12, 2009, by the issuance of license number 253486 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. At all times hereinafter mentioned, Respondent's medical license permitted him to act as a human subject researcher, to the extent he complied with state law, and state and federal rules and guidelines. From on or about 2012 through 2017, the Respondent, either individually or in association with a public or private institution or agency, conducted a human subject research study (hereinafter "Fright Study"). Among other things, the Fright Study involved showing human subjects an actual video of the horrific and brutal murders and dismemberment of four women by machetes; and violent film clips, including a male African American being viciously stomped by a Nazi; a conscious male being forced to eat a portion of his own brain matter; and a graphic gang rape. A list of the known human subjects who participated in the Fright Study is annexed hereto and made a part hereof as Appendix "A". Individuals not specifically known by name are listed as "Other human

subject participants". The Fright Study conducted by the Respondent violated state law, and/or state and federal rules and guidelines, and deviated from accepted professional standards as follows:

1. Violations of Section 2444 of the Public Health Law of the State of New York (hereinafter "P.H.L."), and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to submit required documents, including, but not limited to, a protocol review request form, written consent template, and human subject training certificates to the New York State Department of Health Institutional Review Board (hereinafter "DOH IRB") for authorization of a human research review committee, and/or for an appropriate federal and/or independent Institutional Review Board, in connection with initiating the Fright Study.
2. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain authorization from the DOH IRB for a human research review committee, and/or a federal and/or independent Institutional Review Board, prior to commencing the Fright Study.
3. Violations of Sections 2441(5) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain appropriate and voluntary informed written consents from the human subjects who participated in the Fright Study.
4. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent engaged in the conduct of human research (Fright Study) without having affiliated himself with an institution or agency having a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board.
5. Department of Health Institutional Review Board Guidelines of Human Subject Researchers, and/or federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain a mandated human subjects protection training certificate prior to conducting the Fright Study.
6. Violations of Sections 2441(5) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent caused videos to be taken while human subjects participated in the Fright Study were viewing, among other things, an actual video of the horrific and brutal murders and dismemberment of four women by machetes; and violent film clips, including a male African American being viciously stomped by a Nazi, a conscious male being forced

to eat a portion of his own brain matter, and a graphic gang rape, without their prior appropriate and voluntary informed written consent, and without having obtained authorization from a DOH IRB human research review committee, and/or federal and/or independent Institutional Review Board.

7. Violations of Sections 2441(5) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent failed to advise the human subjects who participated in the Fright Study that they would be viewing, among other things, an actual video of the horrific and brutal murders and dismemberment of four women by machetes; and violent film clips, including a male African American being viciously stomped by a Nazi, a conscious male being forced to eat a portion of his own brain matter, and a graphic gang rape.
8. Violations of Sections 2440 and 2441(1) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent, prior to conducting the Fright Study, knew or should have known that viewing the disturbing and violent actual video and film clips could cause the human subjects mental pain and suffering, and/or psychological injury.
9. Violations of Sections 2440 and 2441(1) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent, who knew or should have known that human subjects participating in the Fright Study could have been caused mental pain and suffering, and/or psychological injury while viewing the disturbing and violent actual video and film clips, failed to terminate such study.
10. Violations of Sections 2441(5)(e) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent, during the course of the Fright Study, failed to answer inquiries of some of the human subjects concerning the procedures being used during such study.
11. Violations of Sections 2440, 2441(f) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent, during the course of the Fright Study, impeded the rights of some of the human subjects to withdraw from such study.
12. Violations of Section 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent required some of the human subjects who participated in the Fright Study to sign non-disclosure forms, thereby inappropriately attempting to compel such human subjects to waive their statutory rights.
13. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent

failed to submit mandated reports and/or documents, including, but not limited to, one year continuing review and adverse event reports to a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board, regarding the Fright Study.

14. Violations of Section 2440 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to appropriately minimize the potential risks of harm to the human subjects who participated in the Fright Study.

15. Violations of Section 2440 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to prepare and maintain appropriate records of the Fright Study, to ensure the safety of the human subjects, and/or provide adequate protection of their privacy and to maintain the confidentiality of the data.

16. Prior to and/or during the course of the Fright Study, Respondent made false representations to the human subjects, by words, conduct and/or the concealment that such study was not in compliance with Article 24-A of the P.H.L., and/or state and federal rules and guidelines; Respondent knew the representations were false; and Respondent intended to mislead the human subjects through the false representations.

B. At all times hereinafter mentioned, Respondent's medical license permitted him to act as a human subject researcher, to the extent he complied with state law, and state and federal rules and guidelines. During on or about 2012 and 2017, Respondent, either individually and/or in association with a public or private institution or agency, conducted a human subject research study involving obsessive compulsive disorder (hereinafter "OCD Study"). From on or about January 2016 through on or about December 2016, Respondent provided medical care and treatment to Patient B, who was also a participant in the OCD Study. A list of the human subjects in the OCD Study is annexed hereto and made a part hereof as Appendix "B". Individuals not specifically known by name are listed as "Other patient/human subject participants".



The OCD Study conducted by the Respondent violated state law, and/or state and federal rules and guidelines, and deviated from accepted professional standards; and Respondent's medical care of Patient B deviated from accepted standards of care as follows:

1. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to submit required documents, including, but not limited to; a protocol review request form, written consent template, proposed questionnaires, and human subject training certificates to the DOH IRB for authorization of a human research review committee, and/or for an appropriate federal and/or independent Institutional Review Board, in connection with in initiating the OCD Study.
2. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain authorization from the DOH IRB for a human research review committee, and/or federal and/or independent Institutional Review Board, prior to commencing the OCD Study.
3. Violations of Sections 2441(5) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain appropriate and voluntary informed written consent from the human subjects who participated in the OCD Study.
4. Department of Health Institutional Review Board Guidelines of Human Subject Researchers, and/or federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain a mandated human subjects protection training certificate prior to commencing the OCD Study.
5. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent engaged in the conduct of human research (OCD Study) without having affiliated himself with an institution or agency having a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board.
6. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to submit mandated reports and/or documents, including, but not limited to, one year continuing review and adverse event reports to a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board, regarding the OCD Study.

7. Violations of Sections 2440 and 2441(1) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards – Respondent failed to prepare and maintain detailed records of the OCD Study, to ensure the safety of the human subjects, and provide adequate protection of their privacy and to maintain the confidentiality of the data.
  8. Prior to and/or during the course of the OCD Study, Respondent made false representations to the human subjects, by words, conduct and/or the concealment that such study was not in compliance with Article 24-A of the P.H.L., and/or state and federal rules and guidelines; Respondent knew the representations were false; and Respondent intended to mislead the human subjects through the false representations.
  9. Respondent failed to keep and maintain appropriate medical records for Patient B.
- C. At all times hereinafter mentioned, Respondent's medical license permitted him to act as a human subject researcher, to the extent he complied with state law, and state and federal rules and guidelines. During on or about 2012 and 2017, Respondent either individually and/or in association with a public or private institution or agency, conducted a human subject research study involving Tourette's Syndrome (hereinafter "Tourette's Study"). From some time during 2012 through 2017, Respondent provided medical care and treatment to Patient C, who was also a participant in the Tourette's Study. A list of the human patients/participants in the Tourette's Study is annexed hereto and made a part hereof as Appendix "C". Individuals not specifically known by name are listed as "Other patient/human subject participants". The Tourette's Study conducted by the Respondent violated state law, and/or state and federal rules and guidelines, and deviated from accepted professional standards; and

Respondent's medical care of Patient C deviated from accepted standards of care as follows:

1. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to submit required documents, including, but not limited to, a protocol review request form, written consent template, questionnaires, and human subject training certificates to the DOH IRB for authorization of a human research review committee, and/or a federal and/or independent Institutional Review Board, in connection with initiating the Tourette's Study.
2. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain authorization from the DOH IRB for a human research review committee, and/or a federal and/or independent Institutional Review Board, prior to commencing the Tourette's Study.
3. Violations of Sections 2441(5) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain appropriate and voluntary informed written consent from the human subjects who participated in the Tourette's Study.
4. Department of Health Institutional Review Board Guidelines of Human Subject Researchers, and/or federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain a mandated human subjects protection training certificate prior to conducting the Tourette's Study.
5. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent engaged in the conduct of human research (Tourette's Study) without having affiliated himself with an institution or agency having a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board.
6. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to submit mandated reports and/or documents, including, but not limited to, one year continuing review and adverse event reports to a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board, regarding the Tourette's Study.
7. Violations of Section 2440(1) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent

failed to prepare and maintain detailed records of the Tourette's Study, to ensure the safety of the human subjects, and provide adequate protection of their privacy and to maintain the confidentiality of the data.

8. Prior to and/or during the course of the Tourette's Study, Respondent made false representations to the human subjects by words, conduct and/or the concealment that such study was not in compliance with Article 24-A of the P.H.L., and/or state and federal rules and guidelines; Respondent knew the representations were false; and Respondent intended to mislead the human subjects through the false representations.
9. Respondent failed to maintain a record for Patient C which accurately reflected the evaluation and treatment of said patient.

D. At all times hereinafter mentioned, Respondent's medical license permitted him to act as a human subject researcher, to the extent he complied with state law, and state and federal rules and guidelines. During on or about 2015 and 2016, Respondent, either individually and/or in association with a public or private institution or agency, engaged in human subject research studies (hereinafter "ESP Studies") which involved monitoring the brain waves of participants attending training and coaching sessions, intensive classes, and other professional advancement courses sponsored by NXIVM and/or the Executive Success Program (ESP) and/or other entities. A list of the human participants in the ESP Studies is annexed hereto and made a part hereof as Appendix "D". Individuals not specifically known by name are listed as "Other human subject participants". The ESP Studies conducted by the Respondent violated state law, and/or state and federal rules and guidelines, and deviated from accepted professional standards; as follows:

1. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent

failed to submit required documents, including, but not limited to, protocol review request forms, written consent templates, and human subject training certificates to the DOH IRB for human research review committees, and/or federal and/or independent Institutional Review Boards, in connection with initiating the ESP Studies.

2. Violations of Section 2444 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain authorization from the DOH IRB for human research review committees, and/or federal and/or independent Institutional Review Boards, prior to commencing the ESP Studies.
3. Violations of Sections 2441(5) and 2442 of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to obtain appropriate and voluntary informed written consents from the human subjects who participated in the ESP Studies.
4. Department of Health Institutional Review Board Guidelines of Human Subject Researchers and deviations from accepted professional standards -- Respondent failed to obtain mandated human subjects protection certificates prior to conducting the ESP Studies.
5. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent engaged in the conduct of human research (ESP Studies) without having affiliated himself with an institution or agency having DOH IRB authorized human research review committees, and/or a federal and/or independent Institutional Review Boards.
6. Violations of Section 2444(3) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to submit mandated reports and/or documents, including, but not limited to, one year continuing review and adverse event reports to a DOH IRB authorized human research review committee, and/or a federal and/or independent Institutional Review Board, regarding the ESP Studies.
7. Violations of Sections 2440 and 2441(1) of the P.H.L., and/or state and federal rules and guidelines, and deviations from accepted professional standards -- Respondent failed to prepare and maintain detailed records of the ESP Studies, to ensure the safety of the human subjects, and provide adequate protection of their privacy and to maintain the confidentiality of the data.
8. Prior to and/or during the course of the ESP Studies, Respondent made false representations to the human subjects, by words, conduct and/or the

concealment that such studies were not in compliance with Article 24-A of the P.H.L., and/or state and federal rules and guidelines; Respondent knew the representations were false; and Respondent intended to mislead the human subjects through the false representations.

E. From on or about August 2016 through September 2016, NXIVM and/or the Executive Success Program (ESP), and/or another entity, conducted a conference and/or meeting at the Silver Bay YMCA Conference and Family Retreat Center, located in Silver Bay, New York. The Respondent and approximately 300 to 400 other individuals attended the conference, which included 50 to 60 children. During the course of the conference, many of the attendees and most of the children became ill with an undetermined infectious disease. The individuals who became ill suffered, inter alia, flu-like symptoms, vomiting and diarrhea. The Respondent had knowledge of the fact that many individuals at the conference had become ill. The Respondent knew or should have known that the illness suffered by the attendees at the conference was a communicable disease, outbreak of a communicable disease, and/or an unusual disease or outbreak. Respondent violated provisions of the State of New York Sanitary Code as follows:

1. Violation of Title 10 N.Y.C.R.R. Section 2.10 (Reporting cases or suspected cases of communicable diseases by physicians). Respondent failed to report the suspected or confirmed case of communicable disease, outbreak of communicable disease, and/or the unusual disease or outbreak to the city, county, or district health officer.
2. Violation of Title 10 N.Y.C.R.R. Section 2.15 (Reporting of food poisoning). Respondent, as a physician, failed to report by telephone, facsimile, or other electronic communication, or in person the illness of the attendees at the conference suspected or confirmed to have been caused due to the consumption of spoiled or poisonous food to the city, county, or district health officer.

3. Violation of Title 10 N.Y.C.R.R. Section 2.27 (Physician to isolate person with highly communicable disease and give instructions regarding prevention of spread of disease). Upon being made aware of the fact that attendees at the conference might have been suffering from a communicable disease, the Respondent failed to cause such individuals to be isolated in an appropriate environment, pending official action by the health officer.

**SPECIFICATIONS OF CHARGES**

**FIRST THROUGH FIFTH SPECIFICATIONS  
CONDUCT IN THE PRACTICE OF MEDICINE WHICH  
EVIDENCES MORAL UNFITNESS TO PRACTICE MEDICINE**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(20) engaging in conduct in the practice of medicine which evidences moral unfitness to practice medicine as alleged in the facts of the following:

1. A and A.1, and/or A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, A and A.15, and/or A and A.16.
2. B and B.1, and/or B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, and/or B and B.8.
3. C and C.1, and/or C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, and/or C and C.8.
4. D and D.1, and/or D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, D and D.7, and/or D and D.8.
5. E and E.1, and/or E and E.2, and/or E and E.3.



**SIXTH THROUGH TENTH SPECIFICATIONS**  
**WILLFULLY FAILING TO FILE A REPORT REQUIRED BY LAW**  
**BY THE DEPARTMENT OF HEALTH OR THE EDUCATION DEPARTMENT**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(21) by willfully failing to file a report required by law or by the Department of Health, or the Education Department as alleged in the facts of the following:

6. A and A.1, and/or A and A.2, A and A.3, A and A.11, A and A.12, A and A.14 and/or A and A.15.
7. B and B.1, and/or B and B.2, B and B.3, and/or B and B.5.
8. C and C.1, and/or C and C.2, C and C.3, and/or C and C.5.
9. D and D.1, and/or D and D.2, D and D.3, and/or D and D.5.
10. E and E.1, and/or E and E.2.

**ELEVENTH THROUGH FIFTEENTH SPECIFICATIONS**  
**WILLFULLY OR GROSSLY NEGLIGENTLY FAILING TO COMPLY WITH**  
**SUBSTANTIAL PROVISIONS OF FEDERAL, STATE, OR LOCAL LAWS RULES OR**  
**REGULATIONS GOVERNING THE PRACTICE OF MEDICINE**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(16) by willfully or grossly negligently failing to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine as alleged in the facts of the following:

11. A and A.1 and/or A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, and/or A and A.15.

12. B and B.1, and/or B and B.2, B and B.3, B and B.4, B and B.5, B and B.6,  
and/or B and B.7.

13. C and C.1, and/or C and C.2, C and C.3, C and C.4, C and C.5, C and C.6,  
and/or C and C.7.

14. D and D.1, and/or D and D.2, D and D.3, D and D.4, D and D.5, D and D.6,  
and/or D and D.7.

15. E and E.1, and/or E and E.2, and/or E and E.3.

**SIXTEENTH SPECIFICATION**  
**PRACTICING THE PROFESSION WITH GROSS NEGLIGENCE**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(4) by practicing the profession with gross negligence as alleged in the facts of the following:

16. A and A.1, and/or A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A  
and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and  
A.13, A and A.14, and/or A and A.15.

**SEVENTEENTH SPECIFICATION**  
**PRACTICING THE PROFESSION WITH**  
**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(3) by practicing the profession with negligence on more than one occasion as alleged in the facts of the following:

17. A and A.1, and/or A. and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9., A and A.10. A and A.11., A and A.12., A and A.13., A and A.14, and/or A and A.15; and/or B and B.1, and/or B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, and/or B and B.9; and/or C and C.1, and/or C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7, and/or C and C.9; and/or D and D.1, and/or D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, and/or D and D.7; and/or E and E.1, and/or E and E.2, and/or E and E.3.

**EIGHTEENTH SPECIFICATION**  
**PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(6) by practicing the profession with gross incompetence as alleged in the facts of the following:

18. A and A.1, and/or A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14, A and A.15.

**NINETEENTH SPECIFICATION**  
**PRACTICING THE PROFESSION WITH**  
**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(5) by practicing the profession with incompetence on more than one occasion as alleged in the facts of the following:

19. A and A.1, and/or A and A.2, A and A.3, A and A.4, A and A.5, A and A.6, A and A.7, A and A.8, A and A.9, A and A.10, A and A.11, A and A.12, A and A.13, A and A.14 and/or A and A.15; and/or B and B.1, and/or B and B.2, B and B.3, B and B.4, B and B.5, B and B.6, B and B.7, and/or B and B.9; and/or C and C.1, and/or C and C.2, C and C.3, C and C.4, C and C.5, C and C.6, C and C.7; and/or C and C.9 and/or D and D.1, and/or D and D.2, D and D.3, D and D.4, D and D.5, D and D.6, and/or D and D.7; E and E.1, and/or E and E.2, and/or E and E.3.

**TWENTIETH THROUGH TWENTY-THIRD SPECIFICATIONS**  
**PRACTICING THE PROFESSION FRAUDULENTLY**

Respondent is charged with committing professional misconduct as defined by New York Education Law §6530(2) by practicing the profession fraudulently as alleged in the facts of the following:

20. A and A.16.

21. B and B.8.

22. C and C.8.

23. D and D.8.

**TWENTY-FOURTH AND TWENTY-FIFTH SPECIFICATIONS**  
**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in New York Education Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

24. Paragraphs B and B.9.

25. Paragraphs C and C.9

DATE: April 24, 2018  
Albany, New York

  
MICHAEL A. HISER, ESQ.  
Deputy Counsel  
Bureau of Professional Medical Conduct