

**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
VICTOR ROBERTS, M.D.

STATEMENT
OF
CHARGES

VICTOR ROBERTS, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 5, 2007, by the issuance of license number 246968 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 10, 2020, the Florida Board of Medicine (hereinafter "Florida Board") filed a Final Order, that incorporated a May 2, 2019 Settlement Agreement with amendments, which reprimanded Respondent, permanently restricted Respondent from owning, operating or practicing in a pain management clinic, permanently restricted Respondent from treating any patient for chronic nonmalignant pain, temporarily restricted Respondent from prescribing controlled substances, directed Respondent to take courses on the topics of records and risk management, and assessed a fine of \$30,000.00 and costs of \$27,205.28. This disciplinary action was based on facts that, if proven, would find Respondent's treatment of five patients constituted misconduct in that Respondent committed repeated acts of negligence, prescribed, dispensed, administered, or mixed a controlled substance other than in the

course of his professional practice, and failed to keep legible medical records which justified the course of the patients' treatment.

B. The conduct resulting in the Florida Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following Sections of New York State Law:

1. New York Education Law § 6530(3) (Practicing the profession with negligence on more than one occasion); and/or
2. New York Education Law § 65330(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

C. On or about October 18, 2017, Respondent filed a License Renewal with the New York State Education Department for his New York medical license for the period of March 1, 2018 through February 29, 2020. In this renewal application, Respondent answered "no" to the question, "Since your last registration application, are charges pending against you in any jurisdiction for any sort of professional misconduct?" even though that on April 25, 2016, the Florida Board filed an Accusation against Respondent which alleged numerous counts of professional misconduct. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3) and (32)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B.1 and/or A and B and B.2.

SECOND SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. The facts in Paragraph C.

DATE: October 26, 2020
Albany, New York



TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct