



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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NYS Department of Health

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Vice Chair

Ansel R. Marks, M.D., J.D.

Executive Secretary

April 13, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Nielson, M.D.

8 Bear Cub Crossing

Saratoga Springs, NY 12866

RE: License No. 147659

Dear Dr. Nielson:

Enclosed please find Order #BPMC 00-112 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 13, 2000**.

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

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

Enclosure

cc: Sharif Mahdavian, Esq
Wilfred T. Friedman, Esq.
The Bar Building, 36 West 44th Street
New York, NY 10036

Michael McTighe, Esq.

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

-----X APPLICATION
IN THE MATTER : FOR
OF : CONSENT
ROBERT NIELSON, M.D. : AGREEMENT
AND ORDER
-----X
BPMC # 00-112

ROBERT NIELSON, M.D., the Respondent in this matter, being duly sworn,
deposes and says:

1. I was authorized to practice medicine in New York State on or about September 18, 1981, by the issuance of license number 147659 by the New York State Education Department.

2. My current residence is at 8 Bear Cub Crossing, Saratoga Springs, New York 12866.

3. I understand that the Board has now charged me with two (2) specifications of professional misconduct; a copy of the Statement of Charges is annexed hereto as Exhibit "A", and made a part hereof.

4. I hereby make application for a Consent Order to dispose of this matter, and to that end I agree: (i) not to contest the Second Specification set forth in Exhibit "A", to the extent that it is premised on Factual Allegation D; (ii) not to contest the Board's imposition of the penalty Censure and Reprimand provided this penalty is limited to the Second Specification and premised on Factual Allegation D; and (iii) to pay a fine in the amount \$2,500.00 within thirty (30) days of the effective date of the Board's Order disposing of this matter.

5. I specifically deny the First Specification set forth in Exhibit "A", and Factual

Allegations A, B, and C.

6. I hereby agree that failure by me to pay the \$2,500.00 fine within thirty (30) days of the effective date of the Board's Order shall constitute misconduct as defined by N.Y. Education Law Sec. 6530(29).

7. In consideration of the Board's acceptance of this disposition of my case I further agree to refrain from self-prescribing medications to myself or to members of my family. Prescription medications in my possession intended for my use, and prescription medications intended for use by members of my family shall without exception be procured strictly pursuant to prescriptions issued by authorized third party prescribers.

8. Imposition of the penalty Censure and Reprimand, and payment of the \$2,500.00 fine shall constitute full satisfaction of the charges against me in this matter.

9. I further agree that in the event I am charged with professional misconduct in the future, this document together with Exhibit "A", and the Board's Order, shall be admitted into evidence at the administrative proceeding convened to determine those charges of misconduct.

10. 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 alleged or charged against me, nor be used against me in any way, but shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding convened to determine this matter, and that 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.

11. I agree that in the event the Board grants my Application, an Order of the Chairperson of the Board shall be effective upon issuance, which may be accomplished by

mailing, by first class mail, a copy of the Order to me at the address set forth in this Application, to my attorney, or upon transmission by facsimile to me or to my attorney, whichever occurs earliest.

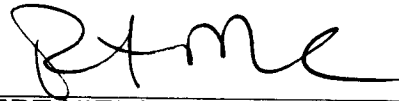
13. I hereby affirm that I am making this Application of my own free will and not under any duress, compulsion, or restraint of any kind, and that my decision to make this Application has been made after consultation with my attorney. In consideration of the relief this disposition affords me from the risks and burdens of participation in an administrative proceeding to determine these charges, I knowingly and voluntarily waive any rights I might otherwise have administratively or judicially to contest or appeal this disposition of my case.

14. I now make this Application to the Board, and request that it be granted.

AFFIRMED:

Date:

3/10/00




ROBERT NIELSON, M.D.
RESPONDENT

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

DATE: _____

SHARI F MAHDAVIAN, ESQ.
Attorney for the Respondent

DATE: 3/31/00



MICHAEL J. MCTIGHE
Senior Attorney
Bureau of Professional Medical Conduct

DATE: April 4, 2000



ANNE F. SAILE
Director
Office of Professional Medical Conduct

NYS DOH/BPMC

Fax:518-473-2430

Mar 17 '00

11:20

P.01

Post-It Fax Note	7871	Date	3/17/00	pages	1
From	Mike McTighe				
Co.	per telephone				
Phone #	(212) 302-0100	Phone #	(518) 474-5168		
Fax #	(212) 302-1119	Fax #	(518) 473-2430		

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

DATE: _____

SHARI P. MAHDAVIAN, ESQ.
Attorney for the Respondent *by Wilfred T. Friedman*

DATE: _____

MICHAEL J. MCTIGHE
Senior Attorney
Bureau of Professional Medical Conduct

DATE: _____

ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

-----X
IN THE MATTER :
OF : CONSENT
ROBERT NIELSON, M.D. : ORDER
-----X

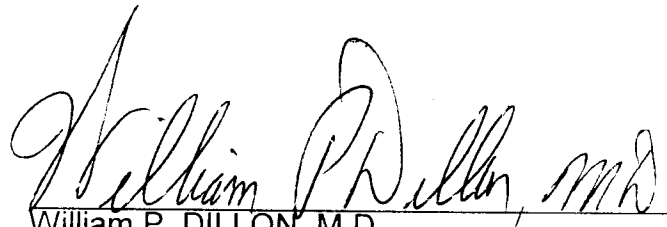
Upon the Application of ROBERT NIELSON, M.D. (Respondent) for this Consent Order, which Application is made a part hereof, it is agreed to and

ORDERED, that the Application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in his Application, or to Respondent's attorney by certified mail, or upon transmission by facsimile to Respondent or to Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 4/10/00



William P. DILLON, M.D.
Chair
State Board for Professional Medical Conduct

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

-----X

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

-----X

ROBERT NIELSON, M.D., the Respondent, was authorized to practice medicine in New York State by the issuance of license number 147659 on September 21, 1981, by the New York State Education Department. Respondent currently resides at 8 Bear Cub Crossing, Saratoga Springs, New York 12866.

FACTUAL ALLEGATIONS

A. In 1997-1998, Respondent prescribed the medication Hydrocodone Bitartrate for his wife, Rene Nielson, without documenting medical necessity or justification for these prescriptions in his wife's medical record. Respondent wrote these prescriptions on or about the following specific dates:

1/5/97, &/or 4/2/87, &/or 7/15/97, &/or 7/25/97,
&/or 8/7/97, &/or 9/8/97, &/or 9/17/97, &/or
8/23/97, &/or 11/8/97, &/or 11/22/97, 11/29/97, &/or
12/15/97, &/or 12/28/97, &/or 1/5/98, &/or 1/8/98,
&/or 1/14/98, &/or 1/22/98, &/or 2/5/98, &/or
2/10/98, &/or 2/13/98, &/or 3/2/98, &/or 3/23/98,
&/or 3/25/98, &/or 3/28/96, &/or 4/8/98, &/or
4/18/98, &/or 5/23/98, &/or 5/26/09, &/or 6/21/98,
&/or 6/22/98, &/or 7/12/98, &/or 7/25/98, &/or
8/24/98, &/or 9/3/98.

B. In 1998, Respondent prescribed the medication Hydrocodone Bitartrate for a son, Tyler Nielson, without documenting medical necessity or justification for the prescriptions in his son's medical record. Respondent wrote these prescriptions on or about the following specific dates:

4/7/98, &/or 4/10/98, &/or 6/6/98, &/or 6/9/98, &/or 6/15/98, &/or 8/9/98, &/or 8/30/98.

C. In 1998, Respondent prescribed the medication Hydrocodone Bitartrate for a son, Joshua Nielson, without documenting medical necessity or justification for these prescriptions in his son's medical record. Respondent wrote these prescriptions on or about the following specific dates:

5/12/98 &/or 5/13/98, &/or 5/18/98, &/or 7/12/98.

D. In 1997-1998, Respondent self-prescribed the medication Hydrocodone Bitartrate without documented medical necessity or justification for these prescriptions. Respondent wrote these prescriptions on or about the following specific dates:

10/24/97 &/or 11/6/97, &/or 11/26/97, &/or 4/22/98, &/or 4/24/98, &/or 6/4/98, &/or 6/7/98, &/or 7/10/98, &/or 7/16/98.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct as defined by N.Y. Education Law Sec. 6530(16) by willfully 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:

1. Paragraphs A &/or B &/or C &/or D.

SECOND SPECIFICATION

Respondent is charged with professional misconduct as defined by N.Y. Education Law Sec. 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

2. Paragraphs A &/or B &/or C &/or D.

DATED: March 31, 2000
Albany, New York



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