



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

October 16, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS – DOH
433 River Street – Hedley Building
4th Floor
Troy, New York 12180

Robert Quarmby, M.D.
2604 East Main Street
Farmington, New Mexico 87401

Friedman and Mahdanian, P.C.
36 West 44th Street
New York, New York 10036

RE: In the Matter of Robert Quarmby, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. BPMC-00-278) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

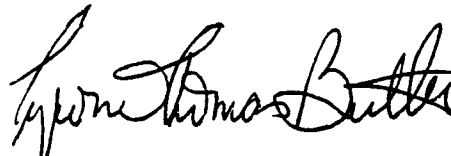
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is fluid and cursive, with the first name "Tyrone" being more prominent.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:sc
Enclosure

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

COPY

IN THE MATTER
OF
ROBERT QUARMBY, M.D.

DETERMINATION
AND
ORDER
BPMC – 00-278

A Commissioner's Order dated November 18, 1999, and a Notice of Summary Hearing and Statement of Charges both dated August 17, 2000, were served upon the Respondent, **ROBERT QUARMBY, M.D.**

STEVEN GRABIEC, M.D., Chairperson, **JOHN MORTON, M.D.** and **MR. JAMES DUCEY**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on September 21, 2000, at the Best Western Rensselaer Inn, 1800 Sixth Avenue, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **FRIEDMAN AND MAHDANIAN, P.C.**, 36 West 44th Street, New York, N.Y. 10036 by **FRED FRIEDMAN, ESQ.**, and **SHARIF MAHDAVIAN, ESQ.**, of Counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Commissioner's Order, Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner

NONE

For Respondent:

ROBERT QUARMBY, M.D., the Respondent

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise specified.

1. ROBERT QUARMBY, M.D., the Respondent was authorized to practice medicine in New York State on December 5, 1983, by issuance of license number 156855 by the New York State Education Department. (Pet's. Ex. 12).

2. On August 28, 1998, the New Mexico Board of Medical Examiners, (hereinafter "New Mexico Board"), issued an "Order Limiting Practice" which limited the Respondent's practice of medicine based on an investigation by the "New Mexico Board", regarding the types and quantities of controlled substances used by the Respondent in his medical practice. (Pet's Ex. 9).

3. On August 27, 1999, the "New Mexico Board" issued a "Order of Summary Suspension", which suspended the Respondent's practice of medicine based on the Respondent's breach of the August 28, 1998 "Order Limiting Practice" by prescribing many hundreds of doses of Scheduled II drugs without the approval of an evaluating physician. (Pet's Ex. 9)

4. On June 6, 2000, the "New Mexico Board" issued a "Decision and Order" which suspended the Respondent's medical license. The Order provided that the Respondent could apply for reinstatement of his license after one (1) year from the date of the Order. The Order further provided that during the period of his suspension, the Respondent shall:

- a.) Complete 80 hours of continuing education in pain management courses, with prior written approval of the courses by the Board of Medical Examiners;
- b.) Draft a paper for the Board of Medical Examiners on current therapies for nonterminal pain, 10,000 words in length, with an appropriate bibliography;
- c.) Be assessed and pay hearing costs in the amount of \$2,900.63.

The June 6, 2000, New Mexico Board "Decision and Order" was based on findings that the Respondent violated the August 28, 1998 "Order Limiting Practice". (Pet's Ex. 10).

5. By Order dated November 18, 1999, "Antonia C. Novello, M.D., M.P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230 (McKinney 1990 and Supp. 1999), upon the recommendation of a Committee on professional medical conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (New Mexico) has made a finding substantially equivalent to a finding that the practice of medicine by ROBERT QUARMBY (the Respondent) in that jurisdiction constitutes an imminent danger to the

health of its people, as is more fully set forth in documents of the New Mexico Board of Medical Examiners, which are attached hereto as Appendix "A" and made a part hereof.

The Commissioner "ORDERED, pursuant to N.Y. Public Health Law §230(12)(b) (McKinney 1990 and Supp. 1999), that effective immediately, Respondent shall not practice medicine in the State of New York.

Any practice of medicine in the State of New York in

Violation of this (Commissioner's) Order shall constitute

Professional Misconduct within the meaning of N.Y. Educ.

Law §6530(29) and may constitute unauthorized medical

practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the State of New Mexico".

6. On May 17, 2000, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a "Decision" (hereinafter "California Decision"), revoked the Respondent's Physician and Surgeon's Certificate and required him to pay \$2,000.00 costs of investigation, based on the 1998 New Mexico "Order Limiting Practice" and the 1999 New Mexico "Order of Summary Suspension". (Pet's Ex. 11).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the New Mexico Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to:

- New York Education Law §6530(2) (practicing the profession beyond its authorized scope);
- New York Education Law §6530(3) (negligence on more than one occasion);
- New York Education Law §6530(24) (practicing beyond the scope permitted by law); and/or
- New York Education Law §6530(32) (failure to maintain records).

The Hearing Committee also concludes that the conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(9)(b) (having been found guilty by a duly authorized disciplinary agency of another state);
- New York Education Law §6530(9)(d) (having had disciplinary action taken by a duly authorized disciplinary agency of another state).

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

THIRD AND FOURTH SPECIFICATIONS

Respondent violated New York State Education Law §6530(9)(d) by reason of having had his license to practice medicine revoked, suspended or having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case indicates that the Respondent's license to practice medicine in the State of New Mexico was suspended on June 6, 2000, because he violated a prior Order, issued on August 28, 1998, which set limits on his medical practice.

The Respondent's license to practice medicine in the State of California was revoked on May 17, 2000, based on the 1998 New Mexico "Order Limiting Practice" and the 1999 New Mexico "Order of Summary Suspension".

The Hearing Committee determines that the Respondent was guilty of very serious professional misconduct by knowingly violating the Order of the New Mexico Board of Medical Examiners and that his license to practice medicine in the State of New York should be REVOKED.

ORDER

IT IS HEREBY ORDERED:

1. The Respondent's license to practice medicine in New York State is hereby REVOKED.
2. This **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: 2.1.9, 2000
Albany, New York



STEVEN GRABIEC, M.D.
Chairperson

JOHN MORTON, M.D.
MR. JAMES DUCEY

APPENDIX I

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

IN THE MATTER
OF
ROBERT QUARMBY, M.D.

COMMISSIONER'S
SUMMARY
ORDER

TO: ROBERT QUARMBY, M.D.

~~2604 East Main Street
Farmington, NM 87401~~

*Chenango Therapeutics
Country Club Rd.
Norwich, NY 13815*

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230 (McKinney 1990 and Supp. 1999), upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction (New Mexico) has made a finding substantially equivalent to a finding that the practice of medicine by ROBERT QUARMBY (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in documents of the New Mexico Board of Medical Examiners, which are attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b) (McKinney 1990 and Supp. 1999), that effective immediately, Respondent shall not practice medicine in the State of New York.

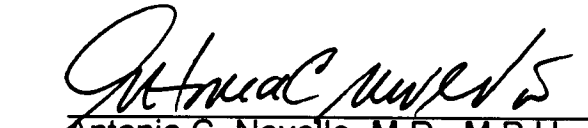
Any practice of medicine in the State of New York in violation of this (Commissioner's) Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the State of New Mexico. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 (McKinney 1990 and Supp. 1999), and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1999). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Summary Hearing to be provided to the Respondent after the final conclusion of the New Mexico proceeding. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the New Mexico proceeding immediately upon such conclusion.

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 FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a (McKinney Supp. 1999). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
November 18, 1999



Antonia C. Novello, M.D., M.P.H.
Commissioner
New York State Health Department

Inquiries should be directed to:

Robert Bogan
Assistant Counsel
NYS Department of Health
Hedley Park Place
433 River Street
4th Floor
Troy, New York 12180
(518) 402-0820

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEW MEXICO

IN THE MATTER OF)

ROBERT QUARMBY, M.D.)

Respondent.)

No. 98-014

ORDER OF SUMMARY SUSPENSION

WHEREAS the New Mexico Board of Medical Examiners ("Board") and Robert Quarmby, M.D. ("Respondent") entered into an "Order Limiting Practice" on or about August 28, 1998, and

WHEREAS Paragraph 9 of the Order authorizes the Board to summarily suspend Respondent's license to practice medicine if the terms of the Agreement are breached by Respondent; and

WHEREAS it appears that Respondent has breached the Agreement by prescribing many hundreds of doses of Schedule II drugs without the approval of an evaluating Physician as more specifically set forth in a Notice of Contemplated Action that is being issued on this date; AND GOOD CAUSE APPEARING:

Appendix "A"

IT IS HEREBY ORDERED that Respondent's license to practice medicine in New Mexico is hereby suspended and shall remain suspended until the Board enters a Final Order regarding the Notice of Contemplated Action that is being issued today.

Dated: August 27, 1999

Marvin Call, M.D.

New Mexico Board of Medical Examiners

By: Marvin Call, M.D.

Vice-President of the Board of Medical Examiners

491 Old Santa Fe Trail

Santa Fe, New Mexico 87501

Service by Certified Mail

Return receipt Requested No. 7 23957262

A true copy of the Notice was served on Respondent by certified mail, return receipt requested, directed to Respondent at the last known address as shown by the records of the Board, on this 27th Day of August, 1999.

Carol T. Clark

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

IN THE MATTER
OF
ROBERT QUARMBY, M.D.

**NOTICE
OF
SUMMARY
REFERRAL
HEARING**

TO: ROBERT QUARMBY, M.D.
2604 East Main Street
Farmington, New Mexico 87401

PLEASE TAKE NOTICE THAT:

Pursuant to a Commissioner's Summary Order dated November 18, 1999, an adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 21st day of September, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

EXHIBIT

If you intend to present sworn testimony, the number of witnesses an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before September 11, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an 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. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 11, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.


The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR
EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

August 17, 2000


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

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

**IN THE MATTER
OF
ROBERT QUARMBY, M.D.**

**STATEMENT
OF
CHARGES**

ROBERT QUARMBY, M.D., the Respondent was authorized to practice medicine in New York state on December 5, 1983, by issuance of license number 156855 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 28, 1998, the Board of Medical Examiners of the state of New Mexico (hereinafter "New Mexico Board"), by an Order Limiting Practice (hereinafter "New Mexico Order 1"), limited the Respondent's practice of medicine, based on a New Mexico Board investigation.

B. On or about August 27, 1999, the New Mexico Board, by an Order of Summary Suspension (hereinafter "New Mexico Order 2"), suspended the Respondent's license to practice medicine, based on a breach of the agreement described in paragraph A above, by prescribing many hundreds of doses of Schedule II drugs without the approval of an evaluating physician.

C. On or about June 6, 2000, the New Mexico Board, by a Decision and Order (hereinafter "New Mexico Order 3") suspended Respondent's license to practice medicine, required him to complete eighty (80) hours of CME in pain management, to draft a 10,000 word paper on current therapies for non-terminal pain, and to pay \$2,900.63 costs, based on the violations set forth in Paragraph B above.

D. On or about May 17, 2000, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a

Decision (hereinafter "California Decision"), revoked the Respondent's Physician and Surgeon's Certificate and required him to pay \$2,000.00 costs of investigation, based on the actions described in Paragraphs A and B above.

E. The conduct resulting in the New Mexico 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(2) (practicing the profession beyond its authorized scope);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);
4. New York Education Law §6530(24) (practicing beyond the scope permitted by law); and/or
5. New York Education Law §6530(32) (failure to maintain records).

F. The conduct resulting in the California 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(9)(b) (having been found guilty by a duly authorized disciplinary agency of another state);
2. New York Education Law §6530(9)(d) (having had disciplinary action taken by a duly authorized disciplinary agency of another state).

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


1. The facts in paragraphs A, B, C, and/or E.
2. The facts in paragraphs A, B, D, E, and/or F.

THIRD AND FOURTH SPECIFICATIONS

Respondent violated New York State Education Law §6530(9)(d) by reason of having had his license to practice medicine revoked, suspended or having had disciplinary action taken after a disciplinary action instituted by a duly authorized professional agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in paragraphs A, B, C and/or E.
4. The facts in paragraphs A, B, D, E, and/or F.

DATED: *Aug. 17*, 2000


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