



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

August 19, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert S. Sankus, M.D.
4161 Riviera Drive
Stockton, California 95204

RE: License No. 082056

Dear Dr. Sankus:

Enclosed please find Order #BPMC 97-200 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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

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

Enclosure

cc: Jude Brearton Mulvey, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
ROBERT SANKUS, M.D. : BPMC # 97-200
:

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ROBERT SANKUS, M.D., says:

On or about June 9, 1959, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 082056 by the New York State Education Department.

My current address is 420 West Acacia Street, Stockton, CA 95203 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and one specification²¹ set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

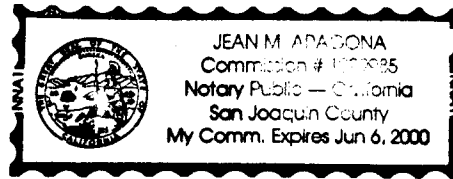
I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or

Robert Sankus
ROBERT SANKUS, M.D.
Respondent

Subscribed before me this
4th day of Aug. , 1997

Jean M. Aradona
NOTARY PUBLIC



AGREED TO:

Date: _____, 1997

Esq.
Attorney for Respondent

Date: 6/7/97, 1997

Jude Brearton Mulvey
JUDE BREARTON MULVEY
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 8/12, 1997

Anne F. Saile
ANNE F. SAILE
Director, Office of
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 SANKUS, M.D. : CHARGES

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ROBERT SANKUS, M.D., the Respondent, was authorized to practice medicine in New York State on June 9, 1959, by the issuance of license number 082056 by the New York State Education Department. Respondent is not currently registered to practice medicine with the New York State Education Department.

FACTUAL ALLEGATIONS

1. The Division of Medical Quality, Medical Board of California (hereinafter the "California Board"), by Decision and Order dated August 16, 1996, determined that Respondent, during the approximate period of December 1991 through November 1992 engaged in unprofessional conduct by repeated acts of negligence with regard to his treatment of two patients in violation of California Business and Professions Code §2234(c) and by the consumption of alcoholic beverages to the extent or in a manner to be dangerous or injurious to himself and/or the public and/or impaired his ability to practice medicine safely in violation of California Business and Professions Code §2239(c).

2. More specifically, the California Board determined that Respondent engaged in the following unprofessional conduct:
 - a. Respondent failed to manage Patient K.R.'s postpartum hemorrhage and lacerated her uterine artery during a caesarean section, resulting in K.R.'s death.
 - b. Respondent failed to promptly recognize the possible ligation and/or transection of the uterers when performing a pelvic laparotomy and bilateral salpingo-oophorectomy on Patient D.N., resulting in a large hole in the right ureter and a partial obstruction of the left ureter.
 - c. Respondent, on or about July 31, 1992, was observed by members of the Foster City Police Department operating a motor vehicle with two flat tires the wrong way down a boulevard. The results of a blood alcohol test revealed Respondent's blood alcohol content to be .20 or higher. Respondent was subsequently convicted of Driving Under The Influence of Alcohol.
 - d. Respondent responded to a hospital call from a patient in labor, examined the patient and announced his intention to perform a caesarean section when Respondent was unsteady on his feet, his hands were shaky and a strong odor of alcohol emanated from his person. Respondent was dissuaded from performing the caesarean section by the nursing staff and, in fact, fell asleep for four hours in the lounge.
3. The California Board revoked Respondent's license to practice medicine, the revocation was stayed and Respondent was placed on five years' probation under conditions which included, inter alia, the requirements that Respondent be suspended from the practice of medicine for a period of thirty days, that Respondent completely abstain from alcoholic beverages, that Respondent submit to biological testing, enroll, participate in and complete a Diversion Program, that Respondent successfully complete an oral clinical

examination in a subject to be designated by the California Division of Medical Quality, that Respondent undergo a psychiatric evaluation and that Respondent's practice be monitored by an approved practice monitor.

4. The conduct underlying the California Board's determination that Respondent was guilty of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Education Law §6530(3) [negligence on more than one occasion] and/or §6530(7) [practicing the profession while impaired by alcohol or drugs] (McKinney Supp. 1997).

5. Respondent, on or about October 14, 1992 in the case of People v. Sankus (California Municipal Court, San Mateo County) was convicted of Driving While Having .08 Percent or More By Weight of Alcohol in his Blood, a misdemeanor, in violation of California Vehicle Code §23152(b). Respondent was sentenced to 96 hours incarceration, fined \$1,131.00 and ordered to enter and complete a First Offender Program.

6. Respondent's criminal conviction in California stated in paragraph 5 would, if committed in New York State, constitute the crimes of Operating a Motor Vehicle While Under the Influence of Alcohol or Drugs under N.Y. Vehicle and Traffic Law §1192(1) [ability to

operate motor vehicle impaired by consumption of alcohol] and/or §1192(2) [operating a vehicle with a blood alcohol content of .10 or above].

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(9)(b) (McKinney Supp. 1997) by reason of 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, in that Petitioner charges:

1. The facts in paragraphs 1 through 4.

SECOND SPECIFICATION

CRIMINAL CONVICTION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(9)(a)(iii) (McKinney Supp. 1997) by reason of having been convicted of committing an act constituting a crime in another jurisdiction which act would, if committed in New York State, constitute a crime under New York State law in that Petitioner charges:

2. The facts contained in paragraphs 5 and 6.

DATED: *May 28* , 1997
Albany, New York

Peter D. Van Buren

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

ORDER

Upon the proposed agreement of ROBERT SANKUS, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 via certified mail, whichever is earliest.

DATED: August 19 1977

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct