

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

IN THE MATTER
OF
VICTOR M. BASBUS, M.D.
CO-07-11-6622-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: VICTOR M. BASBUS, M.D.

*Redacted
ADDRESS*

VICTOR M. BASBUS, M.D.
126 E 10th Street
New York, NY 10003-7507

VICTOR M. BASBUS, M.D.
203 W. Houston St.
New York, NY 10014-4837

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **VICTOR M. BASBUS, M.D.**, Respondent, licensed to practice medicine in the State of New York on March 5, 1976, by license number 126413, has been convicted of committing an act constituting a felony under New York State law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **VICTOR M. BASBUS, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure 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 the 21st day of August 2008, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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

DATED: Albany, New York
July 14, 2008

Redacted Signature
RICHARD F. DAINES, M.D.
Commissioner of Health
New York State Department of Health

Inquires should be addressed to:

Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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DEPARTMENT OF HEALTH

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VICTOR M. BASBUS, M.D.
CO-07-11-6622-A

STATEMENT

OF

CHARGES

VICTOR M. BASBUS, M.D., Respondent, was authorized to practice medicine in New York state on March 5, 1976, by the issuance of license number 126413 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 9, 2007, in the Supreme Court of the State of New York, New York County, New York, Respondent was convicted of enterprise corruption, in violation of New York Penal Law §460.20(1)(a), a class B felony; insurance fraud in the third degree, in violation of New York Penal Law §176.20, a class D felony; grand larceny in the third degree, in violation of New York State Penal Law §155.35, a class D felony; four (4) counts of offering a false instrument for filing in the first degree, in violation of New York State Penal Law §175.35, a class E felony; four (4) counts of falsifying a business record in the first degree, in violation of New York State Penal Law §175.10, a class E felony; and two (2) counts of scheme to defraud, in the first degree, in violation of New York State Penal Law §190.65(1), a class E felony; and on or about February 11, 2008, was sentenced to two (2) to six (6) years confinement on each count, a \$20.00 CVAF, and a \$250.00 surcharge; and on or about April 22, 2008, was resentenced to one (1) to three (3) years imprisonment on each of the four (4) counts of offering a false instrument for filing in the first degree.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *July 14*, 2008
Albany, New York

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