

Public



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Executive Deputy Commissioner

December 18, 2008

CERTIFIED MAIL-RECEIPT REQUESTED

Roberto R. Aymat, M.D.
50 West 34th Street, #4A7
New York, NY 10001

Re: License #201729

Dear Dr. Aymat:

Enclosed is a copy of your Interim Non-disciplinary Order of Conditions pursuant to Public Health Law Section 230. The order is effective December 25, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ansel R. Marks'.

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

cc: Isabelle A. Kirshner, Esq.
305 Madison Avenue
New York, NY 10165

Wilfred T. Friedman, Esq.
60 East 42nd Street, 40th Floor
New York, NY 10165

IN THE MATTER
OF
Roberto Aymat, M.D.

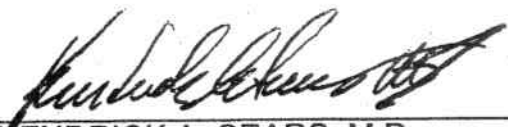
INTERIM
ORDER
OF CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

Upon the application of Roberto Aymat, M.D. (Licensee) in the attached Stipulation and Application for an Interim Order of Conditions Pursuant to N.Y. Pub. Health Law § 230, which is made a part of this Interim Order of Conditions Pursuant to N.Y. Pub. Health Law § 230, it is agreed that

- the Application, and its terms, are adopted, and
- this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Order by first class mail to Licensee at the address in the attached Application or by certified mail to Licensee's attorney, or upon facsimile transmission to Licensee or Licensee's attorney, whichever is first.

SO ORDERED.

DATE: 12-18-2008


KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
Roberto Aymat, M.D.

STIPULATION AND
APPLICATION
FOR AN INTERIM
ORDER OF
CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW § 230

Roberto Aymat, M.D., ("Licensee") represents that all of the following statements are true:

That on or about December 12, 1995, I was licensed to practice as a physician in the State of New York, and issued License No. 201729 by the New York State Education Department.

My current address is 50 W. 34th ST, #4A7, NY NY 10001

I am affiliated with the following hospital and/or facilities:

ST. VINCENT'S HOSPITAL

I will notify the Director of the Office of Professional Medical Conduct ("the Director") of any change in my residence, employment, medical practice addresses or hospital affiliations.

I understand that the New York State Board for Professional Medical Conduct ("the Board") is conducting an investigation to determine if I have engaged in professional misconduct. (See Exhibit "A" with regard to the "matters under investigation.") Pending the final outcome of the investigation, I agree to the following:

The Board shall issue an Interim Order of Conditions precluding me from practicing medicine in New York State, or in any other jurisdiction where my medical license is predicated on my license to practice medicine in New York State, pending the final disposition of the current investigation by the Department of Health, Office

of Professional Medical Conduct. For the purpose of this agreement, "final disposition" shall mean:

- disposition by administrative closure; or
- the resolution by consent order of the matters under investigation; or
- issuance and service of a Hearing Committee's Determination and Order after the conclusion of a hearing held pursuant to a determination of the Commissioner of Health or the Director of the Office of Professional Medical Conduct. The Hearing Committee's Determination and Order shall replace this Interim Order of Conditions. If either party requests review by the Administrative Review Board, the Hearing Committee's Determination and Order, and any sanction, terms or conditions imposed upon me, shall remain in effect until the ARB renders its determination and shall, in the same manner as a Commissioner's Order pursuant to N.Y. Pub. Health Law § 230-c(4), not be subject to a stay; or
- the passage of nine (9) months from the effective date of this Order, without service of a Notice of Hearing and Statement of Charges..

I agree that my failure to comply with the conditions imposed by this Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I acknowledge that, while this Order is in effect, my practice of medicine in the State of New York, or in any other jurisdiction where predicated on my license to practice medicine in New York, shall constitute the unauthorized practice of medicine within the meaning of N.Y. Educ. Law § 6512, a Class E felony.

I understand that, unless and until I am allowed to resume the practice of medicine under the terms of this agreement, my licensure status is "inactive" and any practice of medicine while my license is "inactive" shall constitute a violation of N.Y. Educ. Law Section 6530(12), regardless of the location of such practice, and I shall notify all persons who request my medical services that I have ceased the active practice of medicine.

I understand that nothing in this Application shall be construed as an admission by me of any act of alleged misconduct or as a finding of misconduct as to the matters under investigation. My application for the proposed Interim Order is made in consideration of the value to me of the Board's allowing me to continue to provide explanation of the issues under investigation to the Office of Professional Medical Conduct ("OPMC") and, if the Board pursues disciplinary proceedings against me, to allow for additional preparation time. I deny any acts of misconduct and reserve my right to assert all defenses on my behalf in any later or other proceeding.

This Interim Order shall set the following Conditions upon my practice:

1. Licensee's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Licensee as defined in N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of this Order and may subject Licensee to an action pursuant to N.Y. Pub. Health Law § 230.
2. Licensee shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Licensee's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; all current and past affiliations and/or privileges, with hospitals, institutions, facilities, medical practices, managed care organizations, and/or applications for such affiliations and/or privileges; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Licensee shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
3. Licensee shall cooperate fully with OPMC in its administration and enforcement of this Interim Order and in its investigation of Licensee. Licensee shall respond in a timely manner to all OPMC requests for written periodic verification of compliance with the terms of this Interim Order. Licensee shall meet in person with the Director's designee, as directed. Licensee shall respond promptly and provide all documents and information within Licensee's control, as directed. This condition

shall take effect upon the effective date of the Interim Order and shall continue while Licensee possesses a license.

4. Licensee shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients.
5. Licensee shall provide access for DOH personnel to Licensee's office(s) to verify Licensee's compliance with this Interim Order; this access shall include, but not be limited to, on-site inspections, observation and interviews.
6. Licensee shall comply with this Order and all its terms, and shall bear all associated compliance costs.

I stipulate that:

My failure to comply with the Conditions imposed by this Interim Order shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(29); and

Any practice of medicine by me in New York State in violation of this Interim Order shall be unauthorized and constitute professional misconduct as defined in N.Y. Educ. Law § 6530(2); and

Unauthorized medical practice is a felony as defined in N.Y. Educ. Law § 6512.

I understand that an Interim Order issued upon this Application does not limit the Department's authority to investigate or pursue proceedings pursuant to N.Y. Pub. Health Law § 230(12) based upon allegations of violations of N.Y. Educ. Law § 6530 unrelated to the issues under investigation, whether those alleged violations occurred before or after the date of this Application.

I agree that, if the Board grants this Application, the Chair of the Board shall issue an Interim Order of Conditions in accordance with its terms. I further agree that the Department of Health shall notify the National Practitioner Data Bank, the Federation of State Medical Boards, all managed care organizations in New York State, all hospitals and facilities with which Licensee is or has been affiliated, of this Interim Order of Conditions pursuant to N.Y. Pub. Health Law § 230, that the change in my licensure status is not disciplinary in nature, that I have ceased the active practice of medicine in New York State, and that my New York State licensure status is inactive while this Order is in effect. This Interim Order of Conditions shall be a public order and shall be posted


on the Department of Health websites.

I make this Application of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Application, I waive my right to contest the Interim Order for which I apply, whether administratively or judicially, I agree to be bound by the Interim Order, and I ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Interim Order, based upon my Application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

12/5/08

DATE




Roberto Aymat, M.D.
Licensee

STIPULATION AND
APPLICATION
FOR AN INTERIM
ORDER
OF CONDITIONS
PURSUANT TO
N.Y. PUB. HEALTH
LAW §230

IN THE MATTER
OF
Roberto Aymat, M.D.

The undersigned agree to Licensee's attached Application and to the issuance of the proposed Interim Order of Conditions Pursuant to N.Y. Pub. Health Law § 230.

DATE: 12/5/08


Isabel Kirschner
Attorney for Licensee

DATE: 12/9/08


Courtney Berry
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 12/15/08


Keith W. Servis
Director
Office of Professional Medical Conduct