



New York State Board for Professional Medical Conduct

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

Richard F. Daines, M.D.
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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

August 9, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert L. Lycksell, M.D.
231 South East Barrington Drive
Oak Harbor, WA 98277

Re: License No. 144453

Dear Dr. Lycksell:

Enclosed is a copy of BPMC #10-141 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 16, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Gregory J. Naclerio, Esq.
Ruskin, Moscou & Faltischek, P.C.
East Tower, 15th Floor
1425 RXR Plaza
Uniondale, NY 11556

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

IN THE MATTER
OF
ROBERT L. LYCKSELL, M.D.

CONSENT
ORDER

BPMC No. #10-141

Upon the application of **ROBERT L. LYCKSELL, M.D.**, (Respondent), in the attached Consent Agreement, that is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or upon facsimile or email transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 8-6-2010

REDACTED

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

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

IN THE MATTER
OF
ROBERT L. LYCKSELL, M.D.
CO-08-11-7270-A

CONSENT
AGREEMENT

ROBERT L. LYCKSELL, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about October 31, 1980, I was licensed to practice medicine in the State of New York and issued license number 144453 by the New York State Education Department.

My current address is 231 South East Barrington Drive, Oak Harbor, WA 98277, and I will advise the Director (Director) of the Office of Professional Medical Conduct (OPMC) of any change of my address within thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with three (3) Specifications of professional misconduct.

A copy of the Amended Statement of Charges, marked as Exhibit A, is attached to and part of this Consent Agreement.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand or a \$2,500.00 fine, and the requirement that I notify the Director, OPMC, of my intent to return to practice medicine ninety (90) days prior to that return and that I keep my New York state license registration active.

As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state, I do not contest the First and Third Specifications, in full satisfaction of the charges against me, and:

I agree, in lieu of the settlement offered by the State of New York:

to never practice medicine in New York state
or activate my registration to practice medicine in New York state.

I stipulate that my failure to comply with any conditions of the Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and the Consent Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to New York Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that the Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile or email transmission to me or my attorney, whichever is first. The Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department of Health website.

I stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, administratively and/or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director, OPMC, and the Chair of the Board each retain complete discretion either to enter into the proposed Consent Agreement and Consent 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.

AFFIRMED:

DATED: 7/21/10

REDACTED

~~_____~~
ROBERT L. LYCKSELL, M.D.
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 7/26/2010

REDACTED

~~_____~~
GREGORY J. NACLERIO
Attorney for Respondent

DATE: 28 July 2010

REDACTED

~~_____~~
ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/6/10

REDACTED

~~_____~~
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
ROBERT L. LYCKSELL, M.D.
CO-08-11-7270-A

AMENDED
STATEMENT
OF
CHARGES

ROBERT L. LYCKSELL, M.D., Respondent, was authorized to practice medicine in New York state on October 31, 1980, by the issuance of license number 144453 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 15, 2008, in the Skagit County District Court, Respondent was found guilty of reckless endangerment, a gross misdemeanor, and was sentenced, inter alia, to three hundred sixty-five (365) days jail with 330 days suspended and to pay a \$5,000.00 fine.

B. On or about October 9, 2008, the State of Washington, Department of Health, Medical Quality Assurance Commission, (hereinafter "Washington Board"), by a Stipulated Findings of Fact, Conclusions of Law and Agreed Order, (hereinafter "Washington Order"), inter alia, required Respondent to begin an in-patient evaluation and comply with recommendations, that he comply with all terms of the district court sentence for reckless endangerment, placed him on probation, and fined him \$5,000.00, based on conviction of a gross misdemeanor related to the practice of his profession, as set forth in Paragraph A, above, and current misuse of alcohol.

C. The conduct resulting in the Washington Board disciplinary actions 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)(a)(i) (being convicted of committing an act constituting a crime under state law).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York State Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph A.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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:

2. The facts in Paragraphs A, B, and/or C.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the 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, and/or C.

DATED: *July 28*, 2010
Albany, New York

REDACTED

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