

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

**IN THE MATTER  
OF  
DILIP KUMAR ROY, M.D.**

**COMMISSIONER'S  
ORDER AND  
NOTICE OF  
HEARING**

TO: Dilip Kumar Roy, M.D.  


The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by Dilip Kumar Roy, M.D. (henceforth: "Respondent"), constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12), that effective immediately, Respondent shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. 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 September 10, 2015, at 10:00 a.m., at the offices of the New York State Health Department, Central New York Regional Office, 217 South Salina Street, Syracuse, New York 13202, and at such other adjourned dates, times and places as the committee may

direct. The 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, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The 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 the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not 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, Riverview Center 150 Broadway - Suite 510, Albany, NY 12204-2719., ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and 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  
31 August<sup>th</sup>, 2015

  
Howard A. Zucker, M.D., J.D.  
Commissioner of Health  
New York State Health Department

Inquiries should be directed to:

Timothy J. Mahar  
Associate Counsel  
N.Y.S. Department of Health  
Division of Legal Affairs  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237  
(518) 473-4282

## SECURITY NOTICE TO THE LICENSEE

The proceeding will be held in a secure building with restricted access. Only individuals whose names are on a list of authorized visitors for the day will be admitted to the building

No individual's name will be placed on the list of authorized visitors unless written notice of that individual's name is provided by the licensee or the licensee's attorney to one of the Department offices listed below.

The written notice may be sent via facsimile transmission, or any form of mail, but must be received by the Department **no less than two days prior to the date** of the proceeding. The notice must be on the letterhead of the licensee or the licensee's attorney, must be signed by the licensee or the licensee's attorney, and must include the following information:

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Licensee's Name \_\_\_\_\_ Date of Proceeding \_\_\_\_\_

Name of person to be admitted \_\_\_\_\_

Status of person to be admitted \_\_\_\_\_  
(Licensee, Attorney, Member of Law Firm, Witness, etc.)

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Signature (of licensee or licensee's attorney)

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This written notice must be sent to:

New York State Health Department  
Bureau of Adjudication  
Riverview Center  
150 Broadway - Suite 510  
Albany, NY 12204-2719.  
Fax: 518-402-0751

IN THE MATTER  
OF  
DILIP KUMAR ROY, M.D.

STATEMENT  
OF  
CHARGES

Dilip Kumar Roy, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 6, 2000, by the issuance of license number 216564 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent provided medical care to Patient A during the period from January 2015 through April 2015 at his offices located at Fastcare Family Medical, 941 South 1<sup>st</sup> Street, Fulton New York 13069 for hypothyroidism, among other conditions. Respondent's conduct towards Patient A deviated from accepted standards of medical care as follows:

1. Respondent on March 20, 2015 rubbed Patient A's thigh over clothes as she stood on a scale to be weighed for no valid medical purpose.
2. Respondent hugged Patient A in an inappropriate manner in the exam room one or more times on March 20, 2015.
3. Respondent held Patient A's hand in the exam room even after she attempted to withdraw her hand from his grasp on March 20, 2015.
4. Respondent kissed Patient A's cheek after Patient A turned her mouth away to avoid contact with Respondent's mouth on March 20, 2015.
5. Respondent kissed Patient A on the lips on March 20, 2015, and/or Respondent kissed or attempted to kiss Patient A three separate times on March 20, 2015.

6. Respondent failed to maintain an adequate and/or accurate medical record for Patient A.

B. Respondent provided medical care to Patient B during the period from July 2011 through October, 2014 at his offices for anxiety and depression, among other conditions. Respondent's conduct towards Patient B deviated from accepted standards of medical care as follows:

1. Respondent on one or more occasions rubbed patient B's knee and/or thigh for no valid medical reason.
2. Respondent on one or more occasions hugged Patient B inappropriately and/or rubbed her back down to the level just above her buttocks for no valid medical reason.
3. Respondent on one or more occasions would run his fingers through Patient B's hair and/or would lean in and attempt to kiss her during office visits for medical care.
4. Respondent in or about October 2014 rubbed Patient B's inner thigh over her clothes all the way to her groin for no valid medical reason.
5. Respondent in or about October 2014 hugged Patient B inappropriately and/or held her against his groin, and /or kissed her, and/or attempted to insert his tongue into Patient B's mouth. Patient B pushed Respondent away and/or stated to him "No" or used words of similar effect.
6. Respondent failed to maintain an adequate and/or accurate medical record for Patient B.

C. Respondent provided medical care to Patient C during the period from November, 2012 through April, 2015 at his offices for back pain, among other conditions. Respondent's conduct towards Patient C deviated from accepted standards of medical care as follows:

1. Respondent performed an act of sexual intercourse on Patient C at his offices on or about March 10, 2015.
2. Respondent refused to yield to Patient C's statements on or about March 10, 2015, " I don't want this [sexual intercourse]." and/or "I did not come here for this

[sexual intercourse]. " or used words of similar effect, among other statements Patient C made to Respondent that she did not want to engage in sexual intercourse with him.

3. Respondent failed to maintain an adequate and/or accurate medical record for Patient C.

D. Respondent provided medical care to Patient D during the period from August, 2011 through February, 2014 at his offices for scoliosis and thyroiditis, among other conditions. Respondent' conduct towards Patient D deviated from accepted standards of medical care as follows:

1. Respondent on one or more occasions kissed Patient D on the lips and/or on one occasion inserted his tongue in Patient D's mouth in or about January or February 2014 during the course of an examination.
2. Respondent rubbed Patient D's clothed breasts at the conclusion of an examination in or about February 2014.
3. Respondent asked Patient D if he could see her outside of the office in or about January or February 2014.
4. Respondent, on one or more occasions, stroked Patient D's hair and/or rubbed her shoulders during office visits.
5. Respondent failed to maintain an adequate and/or accurate medical record for Patient D.

E. Respondent provided medical care to Patient E during the period from December, 2014 to February, 2015 for back pain, among other conditions. Respondent's conduct towards Patient E deviated from accepted standards of medical care as follows:

1. Respondent inappropriately partially disrobed Patient E to inspect a surgical scar on her lower back.
2. Respondent at the conclusion of the exam grabbed Patient E's wrist and/or pulled her against his body.
3. Respondent at the conclusion of an exam hugged Patient E in an inappropriate manner.
4. Respondent rubbed Patient E's clothed buttocks without a medical purpose.

5. Respondent grabbed Patient E's wrist and/or kissed her cheek during which time Patient E turned her mouth away to avoid contact with Respondent's mouth.
6. Respondent failed to maintain an adequate and/or accurate medical record for Patient E.

F. Respondent provided medical care to Patient F during the period from April, 2014 through April, 2015 at his office for hypertension and/or anemia, among other conditions. Respondent's conduct towards Patient deviated from accepted standards of care as follows:

1. Respondent on one or more occasions rubbed Patient F's knee for no valid medical purpose during office visits for medical care.
2. Respondent on one or more occasions hugged Patient F inappropriately during office visits for medical care.
3. Respondent on one or more occasions kissed Patient F on the cheek during office visits for medical care.
4. With Patient F lying on the examination table, Respondent on one or more occasions lifted Respondent's shirt above her breasts, so as to expose her breasts, for no valid medical purpose. After exposing Patient F's breasts, Respondent performed or attempted to perform an abdominal exam. Patient F was wearing a bra at the time her breasts were exposed.
5. Respondent failed to maintain an adequate and/or accurate medical record for Patient F.

G. Respondent provided medical care to Patient G at his offices for sinusitis, among other conditions during the period including March 4, 2013 through April 13, 2015. Respondent's conduct towards Patient G deviated from accepted standards of medical care as follows:

1. Respondent, in or about April, 2015, during an office visit for medical care, rubbed and/or held Patient G's arm and/or hand in a manner that had no medical indication.

2. Respondent, in or about April, 2015, hugged Patient G in an inappropriate manner during an office visit for medical care.
3. Respondent failed to maintain an adequate and/or accurate medical record for Patient G.

H. Respondent provided medical care to Patient H during the period from 2005 through 2015 in his offices for chest and hip pain, among other conditions.

Respondent's conduct towards Patient H deviated from accepted standards of medical care as follows:

1. Respondent on one or more occasions hugged Patient H in an inappropriate manner during office visits for medical care.
2. Respondent performed what he told Patient H was a breast examination in an inappropriate manner.
3. Respondent placed his ungloved finger or fingers in Patient H's mouth and/or inside her lip for no valid medical reason.
4. Respondent on one or more occasions held Patient H's hand and/or rubbed her fingers during office visits.
5. Respondent failed to maintain an adequate and/or accurate medical record for Patient H.

### SPECIFICATION OF CHARGES

#### FIRST THROUGH EIGHTH SPECIFICATIONS

#### WILFULL PHYSICAL AND VERBAL ABUSE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(31) by having willfully harassed, abused or intimidated a patient physically and/or verbally as alleged in the following facts:

1. The facts as alleged in paragraphs A and A.1 and/or A and A.2, and/or A and A.3, and A and A.4, and/or A and A.5.
2. The facts as alleged in paragraphs B and B.1, and/or B and B.2, B and/or B.3, and/or B and B.4, and/or B and B.5.
3. The facts as alleged in paragraphs C and C.1, and/or C and C.2.
4. The facts as alleged in paragraphs D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4.
5. The facts as alleged in paragraphs E and E.1, and/or E and E.2, and/or E and E.3, and/or E and E.4, and/or E and E.5.
6. The facts as alleged in paragraphs F and F.1, and/or F and F.2, and/or F and F.3, and/or F and F.4.
7. The facts as alleged in paragraphs G and G.1, and/or G and G.2.
8. The facts as alleged in paragraphs H and H.1, H and H.2, and/or H and H.3, and/or H and H.4.

### **NINTH THROUGH SIXTEENTH SPECIFICATIONS**

#### **MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of medicine which evidences moral unfitness to practice medicine as alleged in the following facts:

9. The facts as alleged in paragraphs A and A.1 and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5.
10. The facts as alleged in paragraphs B and B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or B and B.5.
11. The facts as alleged in paragraphs C and C.1, and/or C and C.2.
12. The facts as alleged in paragraphs D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4.

13. The facts as alleged in paragraphs E and E.1, and/or E and E.2, and/or E and E.3, and/or E and E.4, and/or E and E.5.
14. The facts as alleged in paragraphs F and F.1, and/or F and F.2, and/or F and F.3, and/or F and F.4.
15. The facts as alleged in paragraphs G and G.1, and/or G and G.2.
16. The facts as alleged in paragraphs H and H.1, and/or H and H.2, and/or H and H.3, and/or H and H.4.

### SEVENTEENTH SPECIFICATION

#### NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y.

Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

17. The facts as alleged in two or more of the following paragraphs: A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5, and/or A and A.6, and/or B and B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or B and B.5, and/or B and B.6, and/or C and C.1, and/or C and C.2, and/or C and C.3, and/or D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4, and/or D and D.5, and/or E and E.1, and/or E and E.2, and/or E and E.3, and/or E and E.4, and/or E and E.5, and/or E and E.6, and/or F and F.1, and/or F and F.2, and/or F and F.3, and/or F and F.4, and/or F and F.5, and/or G and G.1, and/or G and G.2, and/or G and G.3, and/or H and H.1, and/or H and H.2, and/or H and H.3, and/or H and H.4, and/or H and H.5.

**EIGHTEENTH SPECIFICATION**

**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of:

18. The facts as alleged in two or more of the following paragraphs: A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5, and/or A and A.6, and/or B and B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or B and B.5, and/or B and B.6, and/or C and C.1, and/or C and C.2, and/or C and C.3, and/or D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4, and/or D and D.5, and/or E and E.1, and/or E and E.2, and/or E and E.3, and/or E and E.4, and/or E and E.5, and/or E and E.6, and/or F and F.1, and/or F and F.2, and/or F and F.3, and/or F and F.4, and/or F and F.5, and/or G and G.1, and/or G and G.2, and/or G and G.3, and/or H and H.1, and/or H and H.2, and/or H and H.3, and/or H and H.4, and/or H and H.5.

**NINETEENTH THROUGH TWENTY-SIXTH SPECIFICATIONS**

**GROSS NEGLIGENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

19. The facts as alleged in paragraphs A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5.
20. The facts as alleged in paragraphs B and B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or B and B.5.
21. The facts as alleged in paragraphs C and C.1, and/or C and C.2.

22. The facts as alleged in paragraphs D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4.
23. The facts as alleged in paragraphs E and E.1, and/or E and E.2, and/or E and E.3, and/or E and E.4, and/or E and E.5.
24. The facts as alleged in paragraphs F and F.1, and/or F and F.2, and/or F and F.3, and/or F and F.4.
25. The facts as alleged in paragraphs G and G.1, and/or G and G.2.
26. The facts as alleged in paragraphs H and H.1, and/or H and H.2, and/or H and H.3, and/or H and H.4.

### **TWENTY-SEVENTH THROUGH THIRTY-FOURTH SPECIFICATIONS**

#### **GROSS INCOMPETENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(6) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

27. The facts as alleged in paragraphs A and A.1, and/or A and A.2, and/or A and A.3, and/or A and A.4, and/or A and A.5.
28. The facts as alleged in paragraphs B and B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or B and B.5.
29. The facts as alleged in paragraphs C and C.1, and/or C and C.2.
30. The facts as alleged in paragraphs D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4.
31. The facts as alleged in paragraphs E and E.1, and/or E and E.2, and/or E and E.3, and/or E and E.4, and/or E and E.5.
32. The facts as alleged in paragraphs F and F.1, and/or F and F.2, and/or F and F.3, and/or F and F.4.

33. The facts as alleged in paragraphs G and G.1, and/or G and G.2.

34. The facts as alleged in paragraphs H and H.1, and/or H and H.2, and/or H and H.3, and/or H and H.4.

### THIRTY-FIFTH THROUGH FORTY-SECOND SPECIFICATIONS

#### FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

35. The facts as alleged in paragraphs A and A.6.

36. The facts as alleged in paragraphs B and B.6.

37. The facts as alleged in paragraphs C and C.3.

38. The facts as alleged in paragraphs D and D.5.

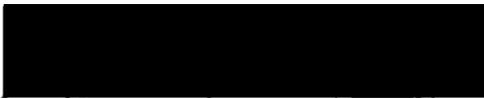
39. The facts as alleged in paragraphs E and E.6.

40. The facts as alleged in paragraphs F and F.5.

41. The facts as alleged in paragraphs G and G.3.

42. The facts as alleged in paragraphs H and H.5.

DATE: August 31, 2015  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct