



New York State Board for Professional Medical Conduct

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

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

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

November 9, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Droege, M.D.
22 Wagonwheel Lane
Scotia, New York 12302

RE: License No. 155060

Dear Dr. Droege:

Enclosed please find Order #BPMC 98-262 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 9, 1998.**

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 to 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: William J. Lynch, Esq.

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

**IN THE MATTER
OF
ROBERT DROEGE, M.D.**

**CONSENT
AGREEMENT
AND
ORDER
BPMC #98-262**

ROBERT DROEGE, M.D., says:

That on or about July 22, 1983, I was licensed to practice as a physician in the State of New York, having been issued License No. 155060 by the New York State Education Department.

My current address is 22 Wagonwheel Lane, Scotia, New York 12302, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the two specifications, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Two years probation during which I shall complete a clinical competency evaluation and retraining program and continuing medical education in the prescribing of controlled substances and pain management equivalent to at least 40 accredited hours as further described in the Terms of Probation annexed as Exhibit B.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.

I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1998).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for

which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 10/22/98


ROBERT DROEGE, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 11/29/98


WILLIAM J. LYNCH
Senior Attorney
Bureau of Professional
Medical Conduct

DATE: October 30, 1998


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
ROBERT DROEGE, M.D.

CONSENT
ORDER

Upon the proposed agreement of ROBERT DROEGE, M.D. for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: November 2, 1998


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

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ROBERT DROEGE, M.D. : CHARGES

-----X

ROBERT DROEGE, M.D., the Respondent, was authorized to practice medicine in New York State on July 22, 1983 by the issuance of license number 155060 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1997, through December 31, 1998, and resides at 22 Wagonwheel Lane, Scotia, New York 12302.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A [patients are identified in the Appendix] on various occasions between approximately April, 1991 and September 1997 at Amsterdam Family Practice Associates (hereafter Respondent's office).
1. Respondent failed to adequately monitor for adverse reactions and drug dependency when prescribing benzodiazepines and narcotics to Patient A.
 2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient A.

- B. Respondent provided medical care to Patient B on various occasions between approximately March, 1990 and August 1997 at his office.
1. Respondent failed to adequately monitor for adverse reactions and drug dependency when prescribing benzodiazepines to Patient B.
 2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient B.
- C. Respondent provided medical care to Patient C on various occasions between approximately April, 1992 and September 1997 at his office.
1. Respondent failed to adequately monitor for adverse reactions and drug dependency when prescribing benzodiazepines and narcotics to Patient C.
 2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient C.
- D. Respondent provided medical care to Patient D on various occasions between approximately November, 1993 and January 1995 at his office.
1. Respondent failed to adequately monitor for adverse reactions and drug dependency when prescribing benzodiazepines and narcotics to Patient D.
 2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient D.
- E. Respondent provided medical care to Patient E on various occasions between approximately September 1990 and September 1997 at his office.
1. Respondent failed to adequately monitor for adverse

reactions and drug dependency when prescribing benzodiazepines and narcotics to Patient E.

2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient E.

F. Respondent provided medical care to Patient F on various occasions between approximately November 1990 and September 1997 at his office.

1. Respondent failed to adequately monitor for adverse reactions and drug dependency when prescribing benzodiazepines and narcotics to Patient F.
2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient F.

G. Respondent provided medical care to Patient G on various occasions between approximately , 1992 and September 1997 at his office.

1. Respondent failed to adequately monitor for adverse reactions and drug dependency when prescribing benzodiazepines to Patient G.
2. Respondent failed to adequately utilize modalities other than the prescription of controlled medications in the treatment of Patient G.

SPECIFICATIONS

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing medicine with negligence on more than one occasion in violation of New York Education Law §6530(3) (McKinney Supp. 1998), in that Petitioner charges that Respondent committed two or more of the following:

The facts in Paragraphs A and A.1 and/or A.2 and/or B and B.1 and/or B.2 and/or C and C.1 and/or C.2 and/or D and D.1 and/or D and D.2 and/or E and E.1 and/or E and E.2 and/or F and F.1 and/or F and F.2 and/or G and G.1 and/or G and G.2.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing medicine with incompetence on more than one occasion in violation of New York Education Law §6530(5) (McKinney Supp. 1998), in that Petitioner charges that Respondent committed two or more of the following:

The facts in Paragraphs A and A.1 and/or A.2 and/or B and B.1 and/or B.2 and/or C and C.1 and/or C.2 and/or D and D.1 and/or D and D.2 and/or E and E.1 and/or E and E.2 and/or F and F.1 and/or F and F.2 and/or G and G.1 and/or G and G.2.

DATED: *October 28*, 1998
Albany, New York

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

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct (OPMC), Hedley Park Place, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent shall obtain a clinical competency evaluation performed by a program for such assessment proposed by Respondent subject to the prior written approval of the Director of OPMC. Respondent shall cause a written report of such assessment to be provided to the Director of OPMC within three months of the effective date of the Order.

7. Within six months of the clinical competency assessment, Respondent shall enroll in a course of personalized continuing medical education, which includes an assigned preceptor, preferably a physician board certified in the same specialty, to be approved, in writing, by the Director of OPMC. It shall be the responsibility of Respondent to identify such program and qualify therefor. Respondent shall remain enrolled and shall fully participate in the program for a period of not less than three months nor more than twelve months.
8. Respondent shall cause the preceptor to
 - a. Submit reports on a quarterly basis to OPMC certifying whether Respondent is fully participating in the personalized continuing medical education program.
 - b. These narrative reports shall address all aspects of Respondent's clinical practice including, but not limited to, the evaluation and treatment of patients, the preceptor's assessment of patient records selected for review, detailed case description of any case found to not meet the established standards of care and Respondent's remediation of previously identified deficiency areas.
 - c. Report immediately to the Director of OPMC if Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by Respondent.
 - d. At the conclusion of the program, submit to the Director of OPMC a detailed assessment of the progress made by Respondent toward remediation of all identified deficiencies.
9. Respondent shall be solely responsible for all expenses associated with the assessment and personalized continuing medical education program.
10. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, dispensing and/or prescribing of controlled substances, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
11. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
12. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.

13. Respondent shall enroll in and complete a continuing medical education program in the area of prescribing controlled substances and pain management to be equivalent to at least 40 credit hours of Continuing Medical Education, over and above the recommended minimum standards set by the American Board of Family Practice. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the period of probation or as otherwise specified in the Order.
14. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.