



New York State Board for Professional Medical Conduct

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

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Ansel R. Marks, M.D., J.D.
Executive Secretary

Public

September 21, 2005

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert S. Schull, M.D.
44 Hidden Cove Road
Oak Bluffs, MA 02539

Re: License No. 087845

Dear Dr. Schull:

Enclosed is a copy of Order #BPMC 05-202 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 28, 2005.

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 the 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: Maryanne Kolenovsky, Esq.
Kolenovsky, Spiegel & Caputo
135 West 29th Street, Suite 801
New York, NY 10001

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

IN THE MATTER
OF
ROBERT S. SCHULL, M.D.
CO-05-04-2054-A

SURRENDER
ORDER
BPMC No. #05-202

ROBERT S. SCHULL, M.D., says:

On or about July 6, 1962, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 087845 by the New York State Education Department. I currently reside at RFD Box 481U, Edgartown, MA 05239.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

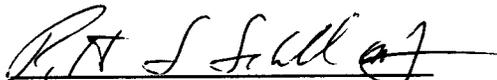
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: August 31, 2005


ROBERT S. SCHULL, M.D.
Respondent

AGREED TO:

Date: 9/2, 2005


MARYANNE KOLENOVSKY
Attorney for Respondent

Date: 13 September, 2005


ROBERT BOGART
Associate Counsel
Bureau of Professional Medical Conduct

Date: 16 September, 2005


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

"Exhibit A"

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

IN THE MATTER	STATEMENT
OF	OF
ROBERT S. SCHULL, M.D.	CHARGES
CO-05-04-2054-A	

ROBERT S. SCHULL, M.D., the Respondent, was authorized to practice medicine in New York state on July 6, 1962, by the issuance of license number 087845 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 16, 2005, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Consent Order, (hereinafter "Massachusetts Order") limited Respondent's license to practice medicine to prohibit the performance of any surgical procedures and required him to enter into a five (5) year Probation Agreement that will contain provisions for practice monitoring, based on Respondent's failure to meet the standard of care with regard to two (2) patients.

B. The conduct resulting in the Massachusetts Board disciplinary action 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(3) (negligence on more than one occasion).

SPECIFICATIONS

FIRST SPECIFICATION

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

1. The facts in Paragraphs A and/or B.

SECOND 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 New York state, in that Petitioner charges:

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

DATED: *Sept. 13*, 2005
Albany, New York


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

ORDER

Upon the proposed agreement of **ROBERT S. SCHULL, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 9-20, 2005



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