

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

IN THE MATTER  
OF  
COLE ROBINSON , M.D.

CONSENT  
ORDER

BPMC No. #08-148

Upon the application of (Respondent), **COLE ROBINSON, M.D.** in the attached Consent Agreement and Order, which 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 transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 8-7-2008

Redacted Signature

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

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IN THE MATTER  
OF  
COLE ROBINSON, M.D.

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CONSENT  
AGREEMENT  
AND ORDER

**COLE ROBINSON, M.D.**, represents that all of the following statements are true:

That I practiced medicine as a Resident between July and November 2007 at Strong Memorial Hospital in Rochester, New York.

My current address is Redacted Address, Redlands, Califor

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one ( 1 ) Specification of professional misconduct.

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

I have not practiced medicine in the State of New York since November 2007 and I do not intend to return to the practice of medicine in the State of New York.

I do not contest Factual Allegation 1 of the First Specification, in full satisfaction of the charges against me, and agree to the following penalty:

I further agree that the Consent Order shall impose the following conditions:

I am neither licensed nor registered to practice medicine in New York State and I agree never to apply for licensure or registration to practice medicine in New York State.

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated

by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order.

I stipulate that my failure to comply with any conditions of this 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 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 this 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 transmission to me or my attorney, whichever is first. The Consent Order, this 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's 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, whether administratively 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 of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed

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: 07.19.08

Redacted Signature

COLE ROBINSON, M.D.  
Respondent

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

DATE: July 31, 2008

Redacted Signature

JOSEPH H. CAHILL  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 07/28/2008

Redacted Signature

CATHERINE GALE, ESQ.  
Attorney for Respondent

DATE: 8/7/08

Redacted Signature

Director  
Office of Professional Medical Conduct

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

IN THE MATTER  
OF  
COLE W. ROBINSON, M.D.

STATEMENT  
OF  
CHARGES

COLE W. ROBINSON, M.D., the Respondent, was employed as a Resident at the University of Rochester Medical Center, Strong Memorial Hospital, 601 Elmwood Avenue, Rochester, New York 14642. His practice was limited to that hospital and he was under the supervision of various licensed physicians at the facility. Respondent was permitted to practice medicine in New York State without a license pursuant to §6526 of the N. Y. S. Education Law. Respondent's period of residency was to last from approximately July 2007 through June 2008.

**FACTUAL ALLEGATIONS**

- A. Respondent, while a resident at Strong Memorial Hospital between approximately July of 2007 and October 26, 2007, engaged in the following conduct:
1. Respondent was dependent upon, or an habitual user of Fentanyl and/or Benzodiazepine, during the period of approximately July 1, 2007 to October 26, 2007.

## SPECIFICATION OF CHARGES

### FIRST SPECIFICATION

Respondent is charged with being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamine, hallucinogens, or other drugs having similar effects, except for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice, or having a psychiatric condition which impairs the licensee's ability to practice, in violation of §6530(8) of the New York State Education Law, in that Petitioner charges;

1. The facts in paragraphs A.

DATE: July 31, 2008  
Albany, New York

Redacted Signature

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Peter Van Buren  
Deputy Counsel  
Bureau of Professional Medical Conduct