



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health
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Office of Professional Medical Conduct

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Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

February 29, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert P. Gillis, M.D.

REDACTED

RE: License No. 139105

Dear Dr. Gillis:

Enclosed please find Order #BPMC 00-63 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **February 29, 2000**.

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,

REDACTED

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Alan Serrins, Esq.
Dienst & Serrins, LLP
233 Broadway
New York, NY 10279

Barry Kaufman, Esq.

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

IN THE MATTER
OF
ROBERT PATRICK GILLIS, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Robert Patrick Gillis, M.D. (Respondent) 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 application and the provisions thereof are hereby adopted; it is further

ORDERED, that on February 29, 2000 the name of 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 of the Surrender 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: 2/24/00

REDACTED

WILLIAM P. DILLON, M.D. ^{W.P.D.}
Chair
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
ROBERT PATRICK GILLIS, M.D.**

**SURRENDER
OF
LICENSE
BPMC #00-63**

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Robert Patrick Gillis, M.D., being duly sworn, deposes and says:

On or about July 27, 1979, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 139105 by the New York State Education Department.

My current address is REDACTED

and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with fourteen (14) 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 permission to surrender my license as a physician in the State of New York effective on February 29, 2000 on the grounds that I do not contest the allegations in the Statement of Charges, in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical

Conduct and request that it be granted.

I understand that, in the event that the application 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 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 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

~
REDACTED

ROBERT PATRICK GELIS, M.D.
RESPONDENT

DATED 2/16/00

Sworn to before me
on this 16 day of
February 2000

REDACTED

NOTARY

PHYLLIS A. SCIARROTTA
Notary Public, State of New York
No. 01SC5083081
Qualified in Nassau County
Commission Expires August 4, 2001

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 2/16/00

REDACTED

~~Alan Serrins, Esq.~~
Attorney for Respondent

Date: 2/18/2000

REDACTED

Barry Kaufman
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 2/24/02

REDACTED

ANNE F. SAILE
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
ROBERT PATRICK GILLIS, M.D.

STATEMENT
OF
CHARGES

ROBERT PATRICK GILLIS, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 27, 1979, by the issuance of license number 139105 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, a psychiatrist, treated Patient A from approximately June 7, 1995 to April 10, 1997. Patient A was diagnosed over the course of treatment by Respondent as suffering from depression, anxiety, with panic attacks, multiple sclerosis, borderline personality disorder, seizure disorder, sexual compulsivity and chronic substance abuse. (The identity of Patient A is disclosed in the annexed Appendix.)
1. Respondent engaged in inappropriate conduct as follows:
 - a. On several occasions between approximately September 1996 through April 1997, Respondent used prescription and illegal drugs with Patient A.
 - b. On several occasions between approximately September 1996 through April 1997, Respondent requested that Patient A provide to Respondent, for Respondent's use, illegal drugs and drug related paraphernalia and/or equipment.

- c. On several occasions during the period from approximately March 1997 through April 1997, Respondent engaged in physical contact of a sexual nature with Patient A.
 - d. On several occasions beginning approximately in the Fall of 1995 through April 1997, Respondent engaged in inappropriate discussions with Patient A regarding drug use and sexually related topics.
 - e. On several occasions beginning approximately in the Fall of 1995, Respondent engaged in sexually suggestive conduct during sessions with Patient A.
 2. Respondent failed to adequately evaluate Patient A.
 3. Respondent improperly and with intent to deceive prescribed medications to Patient A which were for Respondent's use, including, but not limited to, the following:
 - a. Muse.
 4. Respondent inappropriately prescribed multiple medications to Patient A, including, but not limited to, the following:
 - a. Valium;
 - b. Pamelor;
 - c. Effexor;
 - d. Welbutrin;
 - e. Risperdal;
 - f. Trilafon;
 - g. Trazadone;
 - h. Ritalin;
 - i. Muse.
 5. Respondent failed to formulate and pursue an adequate treatment

plan and/or provide an appropriate treatment environment for Patient A.

6. Respondent failed to appropriately consult with other physicians providing care for Patient A and/or Patient A's former psychiatrist.
7. Respondent failed to consult with another psychiatrist when Patient A's condition worsened.
8. Respondent improperly and with intent to deceive billed Patient A's health insurance companies and/or governmental medical programs for sessions that were either not conducted as reported or were for sessions during which Respondent engaged in sexual contact and/or drug use with Patient A.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

SEXUAL CONTACT BETWEEN PSYCHIATRIST AND PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(44)(McKinney Supp. 2000) by engaging in physical contact of a sexual nature with a patient, as alleged in the facts of:

1. Paragraphs A, A(1) and A(1)(c).

SECOND SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 2000) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

2. Paragraphs A, A(1), A(1)(a) through (e), A(2), A(4), A(5), A(6) and/or A(7).

THIRD SPECIFICATION
GROSS INCOMPETENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(6)(McKinney Supp. 2000) by practicing the profession of medicine with gross incompetence as alleged in the facts of the following:

3. Paragraphs A, A(1), A(1)(a) through (e), A(2), A(4), A(5), A(6) and/or A(7).

FOURTH SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 2000) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

4. Paragraphs A, A(1), A(1)(a) through (e), A(2), A(4), A(5), A(6) and A(7).

FIFTH SPECIFICATION
INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 2000) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

5. Paragraphs A, A(1), A(1)(a) through (e), A(2), A(4), A(5), A(6) and A(7).

SIXTH THROUGH ELEVENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 2000) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

6. Paragraphs A, A(1) and A(1)(a);
7. Paragraphs A, A(1) and A(1)(b);
8. Paragraphs A, A(1) and A(1)(c);
9. Paragraphs A, A(1) and A(1)(e);
10. Paragraphs A and A(3);
11. Paragraphs A and A(8).

TWELFTH SPECIFICATION

WILLFULLY HARASSING, ABUSING OR INTIMIDATING A PATIENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 2000) by willfully harassing, abusing or intimidating a patient either physically or verbally, as alleged in the facts of:

12. Paragraphs A, A(1) and A(1)(c).

THIRTEENTH and FOURTEENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 2000) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

13. Paragraphs A and A(3).

14. Paragraphs A and A(8).

DATED: January 10, 2000
New York, New York

REDACTED

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A
REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more)
OF A MEDICAL LICENSE**

1. Respondent shall cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall have delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299 his original license to practice medicine in New York State and current biennial registration within thirty (30) days of the effective date of the Order.
3. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
4. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
5. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
6. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
7. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

10. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230 a1. of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.