



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

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

December 29, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Jack Sperber, M.D.
573 The Parkway
Mamaroneck, New York 10543

RE: License No. 078188

Dear Dr. Sperber:

Enclosed please find Order #BPMC 97-333 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

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: Jerome Karp, Esq.
Suite 1405
26 Court Street
Brooklyn, NY 11242

Denise L. Quarles, Esq.

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 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.


ROBERT JACK SPERBER, M.D.
RESPONDENT

Sworn to before me this

23rd day of December, 1997



NOTARY PUBLIC

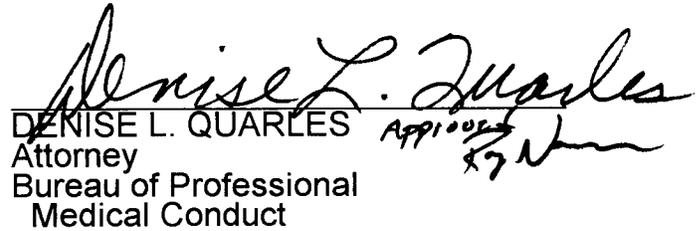
PAUL STEIN
Notary Public, State of New York
No. 02ST4819874
Qualified in Kings County
Commission Expires June 30, 1998

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

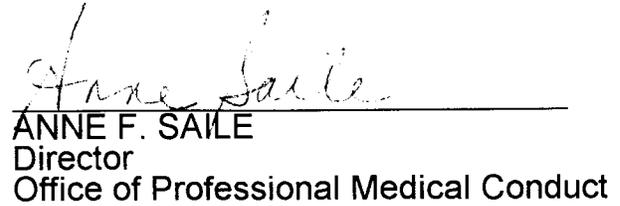
Date: 12-23-97


JEROME KARP, ESQ.
Attorney for Respondent

Date: 12/23/97


DENISE L. QUARLES *APPROVED*
Attorney
Bureau of Professional
Medical Conduct

Date: 12/24/97


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 JACK SPERBER, M.D.

SURRENDER
ORDER

Upon the proposed agreement of ROBERT JACK SPERBER, 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 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 take effect as of the date of the personal
service of this order upon Respondent, upon receipt by Respondent of this order via
certified mail, or seven days after mailing of this order via certified mail, or upon
facsimile transmission to the office of Respondent's attorney in this manner,
whichever is earliest.

SO ORDERED.

DATED: 12-27-97


THEA GRAVES PELLMAN,
Vice Chair
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
ROBERT JACK SPERBER, M.D.**

STATEMENT
OF
CHARGES

ROBERT JACK SPERBER, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 16, 1956, by the issuance of license number 078188 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. At all times herein mentioned, Respondent was a member of the medical staff at Yonkers General Hospital ("YGH"), Two Park Avenue, Yonkers, New York 10703-3497. Respondent was employed as the Clinical Director of the Family Practice Clinic (the "Clinic") at YGH. Respondent treated Patient A at the Clinic. (Patient A and all patients are identified in the annexed Appendix).
1. On May 28, 1992, Respondent treated Patient A for a respiratory infection. During the treatment of Patient A, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:
 - a. With no explanation and no chaperon present, Respondent pulled up Patient A's clothing and touched her breast for other than a legitimate medical purpose.

- b. After stating that he felt a lump, Respondent had Patient A feel the lump over and over again for other than a legitimate medical purpose.
- c. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient A's medical records containing no indication that such was necessary.

B. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient B at the Clinic.

1. On January 24, 1992, Respondent treated Patient B for a pre-employment examination. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no explanation and no chaperon present, Respondent removed Patient B's outer clothing, unsnapped her bra and touched her breast for other than a legitimate medical purpose.
- b. Thereafter, Respondent inappropriately attempted to help Patient B get dressed.

- c. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient B's medical records containing no indication that such was necessary.

C. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient C at the Clinic.

1. In or around August of 1992, Respondent treated Patient C for a pre-employment examination. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no explanation and no chaperon present, Respondent removed Patient C's shirt and bra and touched her breast for other than a legitimate medical purpose.
- b. Thereafter, Respondent inappropriately attempted to dress Patient C.
- c. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient C's medical records containing no indication that such was necessary.

D. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient D at the Clinic.

1. On February 7, 1991, Respondent treated Patient D for a pre-employment examination. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no chaperon present, under the guise of performing a breast examination, Respondent helped Patient D to unfasten her bra for other than a legitimate medical purpose.
- b. Respondent intentionally pushed his genitals against Patient D's knee.
- c. Under the guise of performing a pelvic examination, Respondent put his hands on Patient D's waist and situated her on the examination table. Thereafter, Respondent inappropriately helped Patient D to put her bra on.
- d. Alternative to the facts alleged in subparagraphs a and c above, Respondent performed both a breast and a pelvic examination despite Patient D's medical records containing no indication that either was necessary.

E. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient E at the Clinic.

1. On December 11, 1991, Respondent treated Patient E for a pre-employment examination. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

a. With no chaperon present, Respondent unfastened Patient E's bra and touched her breast for other than a legitimate medical purpose.

b. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient E's medical records containing no indication that such was necessary.

F. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient F at the Clinic.

1. On October 16, 1991, Respondent treated Patient F for a pre-employment examination. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no chaperon present, under the guise of performing a breast examination, Respondent intentionally rubbed his genitals against Patient F's knee for no legitimate medical purpose.
- b. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient F's medical records containing no indication that such was necessary.

G. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient G at the Clinic.

1. On February 28, 1991, Respondent treated Patient G for a cold. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no chaperon present, under the guise of a breast examination, Respondent unfastened Patient G's bra for no legitimate medical purpose.
- b. Respondent intentionally rubbed his genitals against Patient G's knee.

- c. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient G's medical records containing no indication that such was necessary.

H. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient H at the Clinic.

1. On November 8, 1991, Patient H visited Respondent at the Clinic for treatment of a cold and swollen glands. During the treatment of Patient H, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no chaperon present, under the guise of doing a breast examination, Respondent lifted Patient H's shirt up and off of her and unfastened her bra for other than a legitimate medical purpose.
- b. Respondent intentionally rubbed his genitals against Patient H's knee.
- c. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient H's medical records containing no indication that such was necessary.

2. In or around July of 1992, Respondent treated Patient H for an annual examination. During the treatment of Patient H, in the course of purportedly performing a physical examination, but for other than a legitimate medical purpose, Respondent engaged in conduct as follows:

a. With no chaperon present, Respondent intentionally rubbed his genitals against Patient H's knee.

I. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient I at the Clinic.

1. On November 8, 1991, Respondent treated Patient I for a pre-employment examination. During the treatment of Patient I, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

a. With no chaperon present, under guise of performing a breast examination, Respondent unfastened Patient I's bra for other than a legitimate medical purpose.

b. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient I's medical records containing no indication that such was necessary.

J. At all times herein mentioned, Respondent was the Clinical Director of YGH's Family Practice Clinic. Respondent treated Patient J at the Clinic.

1. On May 2, 1991, Respondent treated Patient J for a cold. During the treatment, in the course of purportedly performing a physical examination, Respondent engaged in conduct as follows:

- a. With no explanation and no chaperon present, Respondent pulled up Patient J's bra and touched her breast for other than a legitimate medical purpose.
- b. Alternative to the facts alleged in subparagraph a above, Respondent performed a breast examination despite Patient J's medical records containing no indication that such was necessary.

SPECIFICATION OF CHARGES

FIRST THROUGH TENTH SPECIFICATIONS

WILLFULLY HARASSING, ABUSING OR INTIMIDATING
A PATIENT EITHER PHYSICALLY OR VERBALLY

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31) (McKinney Supp. 1997) by willfully harassing, abusing or intimidating a patient either physically or verbally, as alleged in the facts of:

1. Paragraphs A, A1, A1a, and/or A1b.
2. Paragraphs B, B1, B1a, and/or B1b.
3. Paragraphs C, C1, C1a, and/or C1b.
4. Paragraphs D, D1, D1a, D1b, and/or D1c.
5. Paragraphs E, E1, and E1a.
6. Paragraphs F, F1, and F1a.
7. Paragraphs G, G1, G1a, and/or G1b.
8. Paragraphs H, H1, H1a, H1b, H2, and/or H2a.
9. Paragraphs I, I1, and I1a.
10. Paragraphs J, J1, and J1a.

ELEVENTH THROUGH TWENTIETH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) (McKinney Supp. 1997) 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:

11. Paragraphs A, A1, A1a, and/or A1b.
12. Paragraphs B, B1, B1a, and/or B1b.
13. Paragraphs C, C1, C1a, and/or C1b.
14. Paragraphs D, D1, D1a, D1b, and/or D1c.
15. Paragraphs E, E1, and E1a.
16. Paragraphs F, F1, and F1a.
17. Paragraphs G, G1, G1a, and/or G1b.
18. Paragraphs H, H1, H1a, H1b, H2 and/or H2a.
19. Paragraphs I, I1, and I1a.
20. Paragraphs J, J1, and J1a.

TWENTY-FIRST THROUGH THIRTIETH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) (McKinney Supp. 1997) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

21. Paragraphs A, A1, A1a, and/or A1b.
22. Paragraphs B, B1, and/or B1a.
23. Paragraphs C, C1, and/or C1a.
24. Paragraphs D, D1, D1a, and/or D1c.
25. Paragraphs E, E1, and E1a.
26. Paragraphs F, F1, and F1a.
27. Paragraphs G, G1, and/or G1a.
28. Paragraphs H, H1, and/or H1a.
29. Paragraphs I, I1, and I1a.
30. Paragraphs J, J1, and J1a.

THIRTY-ONE THROUGH FORTIETH SPECIFICATIONS

UNNECESSARY TREATMENT

Respondent is charged with committed professional misconduct as defined in N.Y. Educ. Law §6530(35) (McKinney Supp. 1997) by performing professional services which were not necessary as indicated by the condition of the patient.

31. Paragraphs A, A1, and A1c.
32. Paragraphs B, B1, and B1c.
33. Paragraphs C, C1, and C1c.
34. Paragraphs D, D1, and D1d.
35. Paragraphs E, E1, and E1b.
36. Paragraphs F, F1, and F1b.
37. Paragraphs G, G1, and G1c.
38. Paragraphs H, H1, and H1c.
39. Paragraphs I, I1, and I1b.
40. Paragraphs J, J1, and J1b.

DATED: December 23, 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct