



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

October 25, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Building-4th Floor
433 River Street
Troy, New York 12180

Robert M. Knight, M.D.,
aka Robert M. Biegeleisen, M.D.
5640 Camino del Sol #103
Boca Raton, Florida 33433

**RE: In the Matter of Robert M. Knight, M.D.
a/k/a Robert M. Biegeleisen, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 02-~~235~~²²³) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

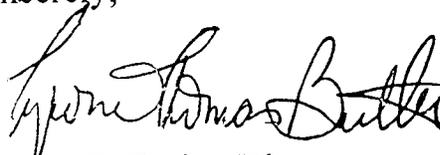
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's
Determination and Order.

Sincerely,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

IN THE MATTER

OF

ROBERT M. KNIGHT
AKA
ROBERT M. BIEGELEISEN, M.D.

DETERMINATION

AND

ORDER

BPMC #02-333

COPY

A hearing was held on October 17, 2002, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated September 25, 2002, were served upon the Respondent, **Robert M. Knight, M.D., aka Robert M. Biegeleisen, M.D.** **Frank E. Iaquinta, M.D.,** Chairperson, **Rafael Lopez, M.D.,** and **Ms. Charlotte Buchanan,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **John Wiley, Esq.,** Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.,** General Counsel, by **Robert Bogan, Esq.** and **Paul Robert Maher, Esq.,** of Counsel. The Respondent did not appear at the hearing either in person or by counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

of license number 142891 by the New York State Education Department (Petitioner's Ex. 4).

2. On June 21, 2002, the State of Florida Board of Medicine ("the Florida Board"), by a Final Order ("Florida Order"), suspended the Respondent's license to practice medicine for one year, imposed five years probation following the suspension, and imposed a \$5000.00 fine and \$14,813.34 costs of investigation and prosecution, based on inadequate medical records, inappropriately prescribed medications, and failure to practice medicine with an acceptable level of care, skill and treatment (Petitioner's Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(3) - "Practicing the profession with negligence on more than one occasion;"
- New York Education Law Section 6530(5) - "Practicing the profession with incompetence on more than one occasion;"
- New York Education Law Section 6530(32) - "Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. Unless otherwise provided by law, all patient records must be retained for at least six years. Obstetrical records and records of minor patients must be retained for at least six years, and until one year after the minor patient reaches the age of eighteen years;" and
- New York Education Law Section 6530(35) - "Ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient..."

The Statement of Charges also alleged that the Respondent's conduct in Florida, had it occurred in New York State, would also constitute professional misconduct under New York Education Law Sections 6530(3) ("Practicing the profession with gross negligence on a particular occasion;") and 6530(5) ("Practicing the profession with gross incompetence;"). The Hearing Committee does not find sufficient evidence in the hearing record to sustain these allegations.

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 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..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing. The Petitioner's attorneys conceded that the Respondent was not served with the Notice of Referral Proceeding and the Statement of Charges and explained the unsuccessful efforts made to locate the

Respondent so that he could be served. The Administrative Law Judge, nonetheless, ruled that the hearing could proceed on the merits. The Administrative Law Judge explained that the failure of service was caused by the Respondent's failure to inform the New York State Department of Education of a change of address as required by law (Education Law Section 6502[5]). Since the Respondent caused the problem, it is the Respondent who must bear the consequences of the failure of service.

The charges against the Respondent are based on the Florida Order, which was issued in a disciplinary proceeding against the Respondent before the Florida Board. The documentary evidence from the Florida proceeding (Petitioner's Ex. 5) demonstrates multiple instances of inadequate medical practice, including treatment for conditions that the patient did not have, failure to treat conditions that the patient did have, insufficient or ineffective treatment for the patient's condition, ordering tests and prescribing medications for inadequate or no apparent medical reason, and inadequate recordkeeping. The findings in the Florida Order support the charges in the present proceeding of negligence and incompetence on more than one occasion, ordering excessive tests and inadequate recordkeeping.

Because the Respondent did not appear at the hearing, the record contains no evidence of mitigating circumstances, rehabilitation or remorse. The Petitioner recommended that the Respondent's license to practice medicine be revoked; nothing in the hearing record suggests a reason to reject that recommendation.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine is revoked.

2. This Order shall be effective upon personal service on the Respondent, upon service on the Respondent by certified or registered mail, or by satisfaction of the requirements of Public Health Law Section 230(10)(h).

DATED: Lake Success, New York
October 22, 2002


Frank E. Iaquinta, M.D.
Chairperson

Rafael Lopez, M.D.
Charlotte Buchanan

APPENDIX I



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

IN THE MATTER
OF
ROBERT M. KNIGHT, M.D.,
aka
ROBERT M. BIEGELEISEN, M.D.
CO-02-08-4010-A

NOTICE OF
REFERRAL
PROCEEDING

TO: ROBERT M. KNIGHT, M.D., aka ROBERT M. BIEGELEISEN, M.D.
5640 Camino del Sol #103
Boca Raton, FL 33433

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 17th day of October 2002, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication,

Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 7, 2002.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 7, 2002, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR

EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
September 25, 2002


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

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER	STATEMENT
OF	OF
ROBERT M. KNIGHT, M.D. aka ROBERT M. BIEGELEISEN, M.D.	CHARGES
CO-02-08-4010-A	

ROBERT M. KNIGHT, M.D., aka ROBERT M. BIEGELEISEN, M.D., the Respondent, was authorized to practice medicine in New York state on July 18, 1980, by the issuance of license number 142891 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 21, 2002, the State Board of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), suspended Respondent's license to practice medicine for one (1) year, imposed five (5) years probation following the suspension, and imposed a \$5,000.00 fine and \$14,813.34 costs of investigation and prosecution, based on failure to keep records justifying the course of treatment provided to patients, inappropriately prescribed medications, and failure to practice medicine with that level of care, skill, and treatment which is recognized as being acceptable.

B. The conduct resulting in the Florida 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);
2. New York Education Law §6530 (4) (gross negligence);
3. New York Education Law §6530 (5) (incompetence on more than one occasion);
4. New York Education Law §6530 (6) (gross incompetence);
5. New York Education Law §6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or

6. New York Education Law §6530 (35) (ordering of excessive tests).

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 his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: *Sept. 25*, 2002
Albany, New York


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