



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

August 17, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert Seely, M.D.
994 Fifth Avenue
New York, New York 10028

RE: License No. 046371
Effective Date: 8/24/94

Dear Dr. Seely:

Enclosed please find Order #BPMC 94-151 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.

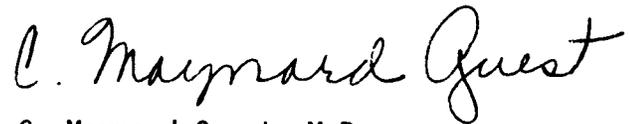
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,

A handwritten signature in cursive script that reads "C. Maynard Guest". The signature is written in black ink and is positioned above the printed name and title.

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
ROBERT SEELY, M.D. : BPMC#94-151

-----X

Upon the application of ROBERT SEELY, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; and so ORDERED, and 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, whichever is earliest.

SO ORDERED,

DATED:

9 August 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

I hereby agree to the following penalty:

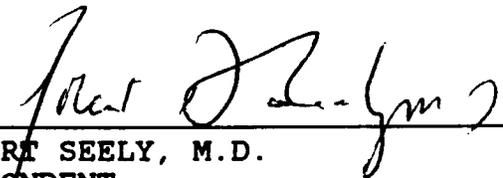
- a. I shall be placed on probation for a period of two-years, subject to the Terms of Probation attached hereto as Exhibit "B".
- b. I shall be fined in the amount of five thousand dollars (\$5,000.00) payable to the New York State Department of Health.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

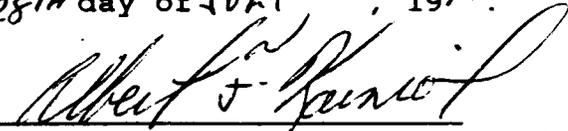
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

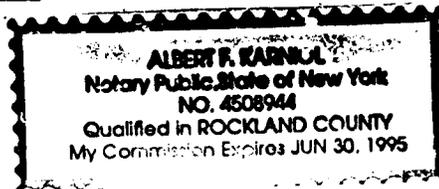


ROBERT SEELY, M.D.
RESPONDENT

Sworn to before me this
28TH day of JULY, 1994.



NOTARY PUBLIC



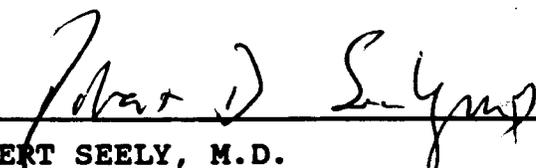
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
ROBERT SEELY, M.D. :
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date:

7/28/94



ROBERT SEELY, M.D.
RESPONDENT

Date:

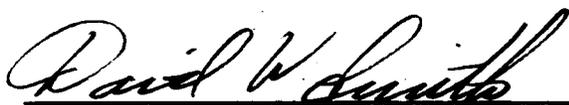
Aug 2, 1994



JAY TOPKIS
ATTORNEY FOR RESPONDENT

Date:

August 3, 1994



DAVID W. SMITH
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date:

Aug 12, 1994

Ann Sullivan

for KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

9 August 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
ROBERT SEELY, M.D. : CHARGES

-----X

ROBERT SEELY, M.D., the Respondent, was authorized to practice medicine in New York State in 1947 by the issuance of license number 046371 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994.

FACTUAL ALLEGATIONS

- A. From approximately 1978 to at least approximately the end of 1991, Respondent treated Patient A for reactive depression. (The identity of Patient A and the location of the treatment are set forth in the Appendix attached hereto).
1. On numerous occasions throughout the period, Respondent inappropriately prescribed barbiturates and amphetamines for Patient A

including Dexedrine, Lotunate, Butisol and Didrex.

2. From 1978 through 1991, Respondent failed to maintain records that would accurately reflect the evaluation and treatment of Patient A.

3. From approximately 1986 through 1990, Respondent wrote prescriptions for controlled substances in the name of individual B (identified in Appendix) when, in fact, Respondent knew such drugs were intended for use by Patient A and in fact, said prescriptions were used by Patient A.

B. In connection with the aforesaid charges, Respondent was interviewed by representatives of the Office of Professional Medical Conduct on or about July 25, 1990.

1. During the interview of on or about July 25, 1990, Respondent stated that individual B: (i) was a patient of his whom he had last seen approximately 6 months ago; and (ii) that he continues to prescribe amphetamines for such individual on a regular basis. Such statements were false and

Respondent knew such statements were false at the time he made them.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion under N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1993) in that Petitioner charges at least two of the following:

1. The facts in Paragraphs A and A1-2.

SECOND SPECIFICATION

FAILURE TO KEEP RECORDS

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530(32) (McKinney Supp. 1993) in that he failed to maintain a record for Patient A which reflects his evaluation and treatment of such Patient. Specifically, Petitioner charges:

2. The facts in Paragraphs A and A2.

THIRD AND FOURTH SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with unprofessional conduct under N.Y. Educ. Law Section 6530 (2) (McKinney Supp. 1993) in that he practiced the profession fraudulently. Specifically, Petitioner charges:

3. The facts in Paragraphs A and A3.

4. The facts in Paragraphs B and B1.

DATED: New York, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

- a. ROBERT SEELY, M.D., during the period of probation which shall be two (2) years, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his⁴⁰ profession;
- b. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
- c. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
- d. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
- e. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
- f. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment

charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

- g. Within thirty (30) days after receiving a copy of the Order, signed by the Chairman of the State Board for Professional Medical Conduct, adopting the Application for Consent Order, Respondent shall pay to the New York State Department of Health the sum of Five-Thousand (\$5,000.00) Dollars.
- h. During the term of probation, Respondent shall not provide medical care or treatment for his wife except in the event of an emergency or life-threatening situation. If Respondent provides such medical care for his wife in an emergency or life-threatening situation, he shall send to the Director, Office of Professional Medical Conduct, within five (5) days after treatment is commenced, a full written explanation of the nature of the emergency or life-threatening situation and the care provided. Failure to provide such explanation as aforesaid shall constitute a violation of the Terms of Probation.
- i. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of non-compliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.