

June 12, 2012

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert J. Genovese, M.D.

REDACTED

Re: License No. 121497

Dear Dr. Genovese:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 12-120. This order and any penalty provided therein goes into effect June 19, 2012.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: John R. Lyde, Esq.
Vidaurre, Lyde, Rodriguez & Haynes, LLP
202 N. 10th Avenue
Edinburg, TX 78541

IN THE MATTER

SURRENDER

OF

ORDER

ROBERT J. GENOVESE, M.D.
CO-12-03-1059-A

Upon the application of ROBERT J. GENOVESE, M.D., (Respondent), to Surrender his license to practice medicine in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and it is further

ORDERED, that Respondent's name be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Surrender Order shall be effective upon issuance by the Board, either by mailing of a copy of this Surrender Order, either by first class mail to Respondent at the address in the attached Surrender of License or by certified mail to Respondent's attorney, or upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 6/11/12

REDACTED

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

IN THE MATTER
OF
ROBERT J. GENOVESE, M.D.
CO-12-03-1059-A

SURRENDER
OF
LICENSE

ROBERT J. GENOVESE, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That on or about September 16, 1974, I was licensed to practice medicine in the State of New York and issued license number 121497 by the New York State Education Department.

My current address is REDACTED

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) Specifications of professional misconduct.

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

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license to practice medicine in the State of New York on the grounds that I do not contest the two (2) Specifications.

I ask the Board to accept the surrender of my license, and I agree to be bound by all of the terms set forth in attached Exhibit "B."

I understand that if the Board does not accept my Surrender of License none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Surrender of License 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 the Public Health Law.

I agree that, if the Board accepts the surrender of my license, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that the Surrender Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Surrender Order, this Surrender of License, 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 ask the Board to accept this Surrender of License, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department of Health, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed Surrender of License and Surrender Order, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

Date: May 25, 2012

REDACTED

ROBERT J. GENOVESE, M.D.
Respondent

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

Date: 5/30, 2012

REDACTED

JOHN R. LYDE, ESQ.
Attorney for Respondent

Date: 6/4, 2012

REDACTED

JOEL ABELOVE
Associate Counsel
Bureau of Professional Medical Conduct

Date: 6/8, 2012

REDACTED

KEITH W. SERVIS
Director, Office of Professional
Medical Conduct

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

IN THE MATTER OF ROBERT J. GENOVESE, M.D. CO-12-03-1059-A	STATEMENT OF CHARGES
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ROBERT J. GENOVESE, M.D., Respondent, was authorized to practice medicine in New York state on September 16, 1974, by the issuance of license number 121497 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 10, 2012, the Texas Medical Board (hereinafter "Texas Board"), by an AGREED ORDER OF VOLUNTARY SURRENDER (hereinafter "Agreed Order"), ORDERED accepted the voluntary surrender and permanently canceled Respondent's Texas license with the understanding that Respondent shall cease immediate practice in Texas and shall not petition the Texas Board for reinstatement of his license. The Texas Board and Respondent consented that the Respondent had failed to meet the standard of care in the treatment of two patients.

B. The conduct resulting in the Texas Board agreed order of voluntary surrender against Respondent would constitute misconduct under the laws of New York State, pursuant to the following section of New York State law:

1. New York Education Law §8530(3) (negligence on more than one occasion).

FIRST SPECIFICATION

Respondent violated New York Education Law §8530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the 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 B.

DATED: *June 4*, 2012
Albany, New York

REDACTED

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