



***New York State Board for Professional Medical Conduct***

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

Richard F. Daines, M.D.  
*Commissioner*  
NYS Department of Health  
Wendy E. Saunders  
*Chief of Staff*  
Keith W. Servis, Director  
*Office of Professional Medical Conduct*

*Public*

Kendrick A. Sears, M.D.  
*Chair*  
Michael A. Gonzalez, R.P.A.  
*Vice Chair*  
Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

February 5, 2008

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Robert D. Kelberg, M.D.  
7800 Lakeland Valley Drive  
Springfield, Virginia 22153

Re: License No. 114346

Dear Dr. Kelberg:

Enclosed is a copy of Order #BPMC 08-18 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 12, 2008.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299**

Sincerely,

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

Enclosure

cc: Stephen D. Rosenthal, Esq.  
Troutman, Sanders, LLP  
1001 Haxall Point  
Richmond, Virginia 23219

---

IN THE MATTER  
OF  
ROBERT KELBERG, M.D.

---

CONSENT  
ORDER

BPMC No. #08-18

Upon the application of (Respondent), **ROBERT KELBERG, M.D.** in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

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

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 2-4-2008



---

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 KELBERG, M.D.**  
**CO-07-07-3945-A**

**CONSENT**  
**AGREEMENT**  
**AND ORDER**

---

**ROBERT KELBERG, M.D.**, representing that all of the following statements are true, deposes and says:

That on or about October 26, 1972, I was licensed to practice as a physician in the State of New York, and issued License No. 114346 by the New York State Education Department.

My current address is 7800 Lakeland Valley Drive, Springfield, VA 22153, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two (2) Specifications of professional misconduct, based solely upon the State of Virginia, Board of Medicine, June 5, 2007, Consent Order.

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

I do not contest the Second Specification, in full satisfaction of the charges against me.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand and that I keep my New York registration active. I have not, however, practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state.

I agree, therefore, in lieu of the settlement offered by the State of New York:

to never activate my registration to practice medicine in New York state  
or seek to reapply for a license to practice medicine in New York state.

I stipulate, hereby, that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York Education Law § 6530(29).

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 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 Consent 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 Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

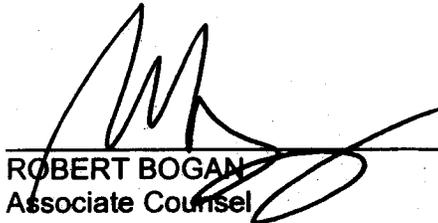
DATED: \_\_\_\_\_

11/17/08

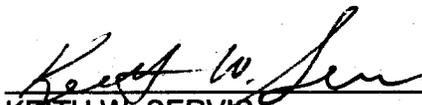
Robert Kelberg  
ROBERT KELBERG, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 26 January 2008

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 2/1/08

  
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 KELBERG, M.D.  
CO-07-07-3945-A

---

STATEMENT  
OF  
CHARGES

ROBERT KELBERG, M.D., Respondent, was authorized to practice medicine in New York state on October 26, 1972, by the issuance of license number 114346 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about June 5, 2007, the State of Virginia, Board of Medicine (hereinafter "Virginia Board"), by a Consent Order, (hereinafter "Virginia Order"), REPRIMANDED Respondent and required him to complete courses in proper prescribing and medical recordkeeping, based on from on or about 2000 until on or about May 2006, Respondent prescribed Vicodin on a nearly continuous basis to a patient for complaints of pain during which time he failed to perform regular, comprehensive examinations, failed to document discussion with the patient of risk and benefits of treatment with narcotics, failed to document progress and response to treatment, failed to monitor the use of the medication and compliance with dosage requirements, and failed to monitor and document the affects of the medication, including signs of addiction and abuse.

B. The conduct resulting in the Virginia Board disciplinary action 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 §6530(3) (negligence on more than one occasion);  
and/or
2. New York Education Law §6530(32) failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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 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/or B.

DATED: *Nov: 1*, 2007  
Albany, New York

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