

would be violations of Chapters 458, Florida Statutes. More specifically, Respondent was charged with making deceptive, untrue or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine; abandoning medical records, ultrasounds, patient insurance information, and billing statements; and failing to maintain the confidentiality of patient records. (See Exhibit A, Final Order, Settlement Agreement, Administrative Complaints)

~~As a result of the foregoing, the Respondent was reprimanded and she was required to pay a fine of \$5,000.00, costs of \$2,765.54, successfully complete a Law and Rules Course, provide a refund of \$1250.00 to Physician R.B. and/or the Bridgewater OB-GYN, P.A., as well as make arrangements for someone to take charge of Respondent's medical records and send letters to the patients on the location and retrieval of those records.~~

~~Thereafter, the New York State Board for Professional Medical Conduct entered into a Consent Order dated December 21, 2006 with Respondent finding that Respondent had engaged in professional misconduct based solely on the Final Order of the Florida Board of Medicine. As a result, Respondent agreed to: a censure and reprimand; two years of probation, which was tolled; and to fully comply with the Final Order of the Florida Board of Medicine. (See Exhibit B, Consent Order, Consent Agreement and Order, Statement of Charges)~~

As a result of the foregoing, the Board has determined that Respondent's acts giving rise to the Final Order entered by the Florida Board of Medicine and Consent Order entered by the New York State Board for Professional Medical Conduct constitutes professional misconduct and provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 26th day of September, 2007, **ORDERED AND AGREED THAT:**

1. Respondent's license to practice medicine and surgery in New Jersey shall be, and hereby is, reprimanded;

2. Respondent license to practice medicine and surgery shall be placed on a period of probation for two (2) years commencing upon the filing date of this Order. Respondent agrees that if the Board, at its sole discretion, determines during the probation period that the Respondent has failed to comply with any provision of this Consent Order, or is in violation of any of the Board's statutes and/or regulations, then Respondent's New Jersey license to practice medicine and surgery shall be immediately suspended. Within ten (10) days of notification of the suspension, Respondent

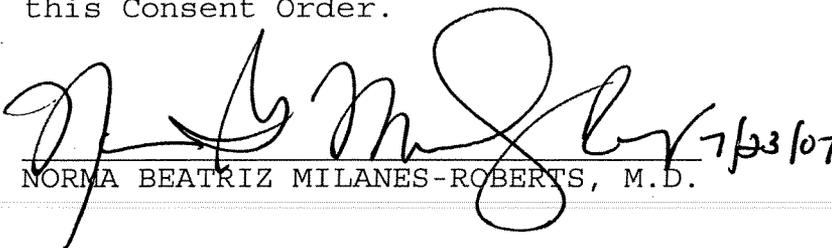
may seek a hearing before a Committee of the Board limited to the sole issue of violation of this Consent Order; and

3. Respondent shall provide proof of full compliance with the Final Order of the Florida Board of Medicine within thirty (30) days of the filing date of this Consent Order.

STATE BOARD OF MEDICAL EXAMINERS

By: 
MARIO CRISCITO, M.D.
Board President

I have read and I understand this Consent Order and agree to be bound by its terms. I further hereby consent to the entry of this Consent Order.


NORMA BEATRIZ MILANES-ROBERTS, M.D. 7/23/07

FILED DATE - 4-19-06
Department of Health

By: Jessica Melcoun
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-05549

2005-52548

LICENSE NO.: ME0086322

NORMA ROBERTS, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 7, 2006, in Tampa, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$2,765.54.

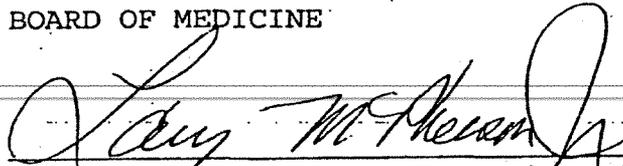
EXHIBIT A

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 18 day of APRIL, 2006.

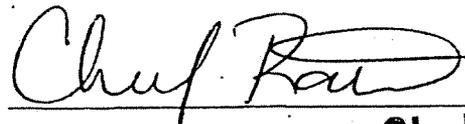
BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for MARK AVILA, M.D., Vice-Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to NORMA ROBERTS, M.D., Post Office Box 9258, Newark, New Jersey 07104; and 11287 Chertsey Lane, Jacksonville, Florida 32223; to Kimberly King, Esquire, Hayward & Grant, P.A., 2121-G Killarney Way, Tallahassee, Florida 32309; and by interoffice delivery to John Terrel and Wings Benton, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 19th day of April, 2006.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

**DOH Case No. 2005-05549 &
DOH Case No. 2005-52548**

NORMA ROBERTS, M.D.

Respondent,

SETTLEMENT AGREEMENT

Norma Roberts, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is a state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 86322.

2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in her capacity as a licensed physician, she is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Reprimand** - The Board shall reprimand the license of Respondent.
2. **Fine** - The Board of Medicine shall impose an administrative fine of five thousand dollars (\$5,000.00) against the license of Respondent, to be paid by

Respondent to the Department of Health, HMQAMS/Client Services; Post Office Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine Compliance Officer, within one (1) year from the date of filing of the Final Order accepting this Agreement. The Board has increased the time for Respondent to pay her fine since she has provided the Board information that she has filed Chapter 13 Bankruptcy. All fines shall be paid by check or money order. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF WITHIN 380 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

3. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any administrative costs incurred in the investigation and preparation of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with

Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case are not to exceed three thousand five hundred dollars (\$3,500.00). Respondent will pay costs to the Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Board of Medicine Compliance Officer, within one (1) year from the date of filing of the Final Order in this cause. The Board has increased the time for Respondent to pay the costs since she has provided the Board information that she has filed Chapter 13 Bankruptcy. Any post-Board costs, such as the costs associated with probation, are not included in this agreement.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF WITHIN 380 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.

4. **Laws And Rules Course** - Respondent shall complete the Laws and Rules Course, administered by the Florida Medical Association, within one (1) year of the date of filing of the Final Order of the Board. In addition, Respondent shall

submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical education course within one (1) year of the date of filing of the Final Order incorporating this Agreement. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education courses shall consist of a live, lecture format.

5. Other Term (1) – Within thirty (30) days of the filing of this Final Order, Respondent must refund monies paid for services never rendered to Patient E.B. as set forth in Department of Health Case Number 2005-52548. Respondent must refund/pay one thousand two hundred fifty dollars (\$1,250.00) to Physician R.B. and/or Bridgewater OB-GYN, P.A., 2300 Park Avenue, Suite 203, Orange Park, Florida 32073.

6. Other Term (2) – Within thirty (30) days of the filing of this Final Order, Respondent must arrange for someone to take charge of the medical records that form the basis for Department of Health Case Number 2005-05549 and Respondent must send a letter to the patients notifying them who has control of the medical records and how they can be retrieved.

STANDARD PROVISIONS

7. **Appearance:** Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

8. **No force or effect until final order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement:

9. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

10. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

11. **Violation of terms considered** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

12. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

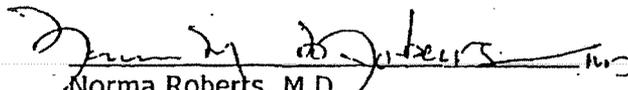
13. **No preclusion of additional proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

14. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any

attorney's fees or costs from the Department and the Board in connection with this matter.

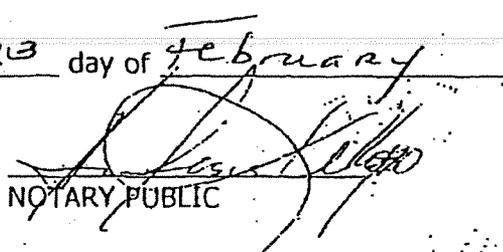
15. **Waiver of further procedural steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

SIGNED this 23 day of FEBRUARY, 2006.


Norma Roberts, M.D.

Before me, personally appeared Norma M. Roberts, M.D. whose identity is known to me by Driver's Licence, NJ (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 23 day of February, 2006.

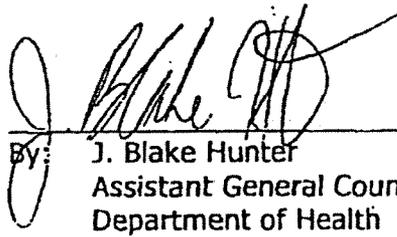

NOTARY PUBLIC

My Commission Expires:

HORTENSIA KELLY
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES AUG. 25, 2009

APPROVED this 28th day of February, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health


By: J. Blake Hunter
Assistant General Counsel
Department of Health

J. Blake Hunter
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way
Tallahassee, FL 32399-3265
Florida Bar No. 0570788
(850) 414-8126 telephone
(850) 414-1989 FAX

STATE OF FLORIDA
DEPARTMENT OF HEALTH

NOV 08 2005

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2005-52548

NORMA ROBERTS, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Norma Roberts, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 86322.

3. Respondent's address of record is 11287 Chertsey Lane, Jacksonville, Florida 32223, but her last known address is 32 Korwel Circle, West Orange, New Jersey 07052-1231 .

4. On or about June 17, 2005, Patient E.B. pre-paid two thousand five hundred (\$2,500.00) dollars to Respondent, who was employed at Comprehensive Women's Care, for full pre-natal care including the delivery of her child.

5. Prior to the birth of Patient E.B.'s child, Respondent realized that she would be unable to perform the delivery of Patient E.B.'s child. Respondent contacted Physician R.B. and requested that he perform the delivery of Patient E.B.'s child.

6. On or about December 12, 2004, Physician R.B. delivered Patient E.B.'s child.

7. On or about January 10, 2005, Patient E.B. started receiving bills from Physician R.B. relating to the delivery of Patient E.B.'s child. Patient E.B. and her husband contacted Respondent on four or five occasions regarding a refund of a portion of the pre-paid amount of two thousand five hundred (\$2,500.00) dollars and Respondent agreed to refund a portion of the money and/or pay for the delivery Patient E.B.'s child, since Respondent failed to deliver Patient E.B.'s child.

8. After the birth of Patient E.B.'s child, Respondent hurriedly left her practice in the State of Florida, failed to give Petitioner notice that she was closing her practice and failed to make appropriate arrangements for Physician R.B. to be paid for the delivery of Patient E.B.'s child and/or failed to refund a portion of Patient E.B.'s money for services never rendered.

9. As of August 16, 2005, Respondent has failed to contact Patient E.B. regarding a refund, has failed to refund a portion of the monies paid for services never rendered and/or has failed to pay Physician R.B. for the delivery of Patient E.B.'s child.

10. Section 458.331(1)(k), Florida Statutes (2004), states that making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine constitutes grounds for disciplinary action by the Board of Medicine.

11. Respondent made a deceptive, untrue, or fraudulent representation in or related to the practice of medicine when she received two thousand five hundred (\$2,500.00) dollars for services never rendered when Respondent failed to deliver Patient E.B.'s child. Respondent has failed to refund a portion of the monies and/or pay Physician R.B. for

delivery of Patient E.B.'s child, even though she was asked to do so on several occasions by Patient E.B and her husband.

12. Based on the foregoing, Respondent has violated Section 458.331(1)(k), Florida Statutes (2004), by making deceptive, untrue, or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 9th day of November

2005.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health



J. Blake Hunter
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No.: 0570788
(850) 414-8126 Business
(850) 414-1989 Facsimile

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Jhena McKinn

DATE 11-08-05

/jbh

Reviewed and approved by: Cg (initials) 08/17/05 (date)

Roberts, DOH Case No. 2005-52548

PCP: November 4, 2005

PCP Members: Gustavo Leon, M.D. (Chairperson), Raghavendra Vijayaragar, M.D., and John Beebe

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

OCT 19 2005

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2005-05549

NORMA ROBERTS, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Norma Roberts, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 86322.

3. Respondent's address of record is 11287 Chertsey Lane, Jacksonville, Florida 32223, but her last known address is 32 Korwel Circle, West Orange, New Jersey 07052-1231.

4. On or about February 10, 2005, Respondent closed her Obstetrician/Gynecology practice in Jacksonville, Florida and relocated to another state.

5. Prior to closing her office practice, Subject failed to notify the Board of Medicine in writing that she was closing her office practice, that she was relocating to another state and she failed to notify the Board the name of the new medical records owner and where the medical records of her former patients could be found.

6. Following the closure of Respondent's office practice and after she had relocated to another state, the landlord for Respondent's prior office space found multiple boxes of patient medical records, ultrasounds, patient insurance information and patient billing information on the floor of the old office. Respondent failed to maintain full and total responsibility for her patients' files and medical records and failed to assure that these medical records and files were confidential.

COUNT ONE

7. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein.

8. Section 458.331(1)(g), Florida Statutes (2004), provides that failing to perform any statutory or legal obligation placed upon a licensed physician constitutes grounds for disciplinary action by the Board. Section 456.057(12), Florida Statutes (2004), states that notwithstanding the provisions of s. 456.058, records owners shall notify the appropriate board office when they are terminating practice, retiring, or relocating, and no longer available to patients, specifying who the new records owner is and where medical records can be found.

9. Prior to closing her office practice, Respondent failed to notify the Board of Medicine office in writing that she was closing her office practice, she was relocating to another state and failed to notify the Board office the name of the new medical records owner and where the medical records of her former patients could be found.

10. Based on the foregoing, Respondent has violated Section 458.331(1)(g), Florida Statutes, by failing to perform any statutory or legal

obligation placed upon a licensed physician, through a violation of Section 456.057(12), Florida Statutes (2004).

COUNT TWO

11. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein.

12. Section 458.331(1)(n), Florida Statutes (2004), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto constitutes grounds for disciplinary action by the Board. Rule 64B8-10.002, Florida Administrative Code ("F.A.C."), states that a licensed physician shall maintain the full and total responsibility for and control of all files and records relating to his patients and his medical practice. All such records shall remain confidential except as otherwise provided by law and shall be maintained in the licensed physician's office or in the possession of the licensed physician.

13. After closure of Respondent's office, Respondent's prior landlord of her office found multiple boxes of medical records, ultrasounds, patient insurance information and billing statements in Respondent's old office that were not under Respondent's full and total responsibility and control. Further, these medical records were abandoned by Respondent

and Respondent failed to maintain the confidentiality of the patient records.

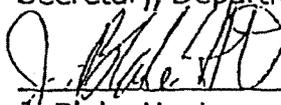
14. Based on the foregoing, Respondent violated Section 458.331(1)(nn), Florida Statutes (2004), by violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, through a violation of Rule 64B8-10.002, F.A.C.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 17th day of October

2005.

John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health



Blake Hunter
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar No.: 0570788
(850) 414-8126 Business
(850) 414-1989 Facsimile

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Sheresa McKown

DATE 10-19-05

/jbl

Reviewed and approved by: ag (initials) 8/19/05 (date)

Roberts, DOH Case No. 2005-05549

PCP: October 14, 2005

PCP Members: Gustavo Leon, M.D. (Chairperson), Mammen Zachariah, M.D., and John Beek

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

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

IN THE MATTER

OF

NORMA BEATRIZ MILANES-ROBERTS, M.D.
aka NORMA ROBERTS, M.D.

CONSENT

ORDER

BPMC No, #06-304

Upon the application of (Respondent), **NORMA BEATRIZ MILANES-ROBERTS, M.D., aka NORMA ROBERTS, 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: 12-21-2006


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

NORMA BEATRIZ MILANES-ROBERTS, M.D.
aka NORMA ROBERTS, M.D.
CO-06-05-2697-A

CONSENT

AGREEMENT

AND ORDER

NORMA BEATRIZ MILANES-ROBERTS, M.D., aka NORMA ROBERTS, M.D.,
representing that all of the following statements are true, deposes and says:

That on or about August 17, 1999, I was licensed to practice as a physician in the State of New York, and issued License No. 215391 by the New York State Education Department.

My current address is 32 Korwel Circle, West Orange, NJ 07052, 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 one (1) Specification of professional misconduct, based solely on the State of Florida, Board of Medicine, Final Order, dated April 18, 2006.

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 one (1) Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Censure and Reprimand;

Two (2) years probation, tolled, in accordance with Exhibit B, attached, hereto.

Respondent shall comply fully with the April 18, 2006, Final Order of the State of Florida, Board of Medicine, (hereinafter "Florida Order"), and any extension or modification, thereof.

Respondent shall provide a written authorization for the Florida Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Florida Order.

Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the Florida Order during the declaration period specified.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate 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 agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement 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 New York Public Health Law.

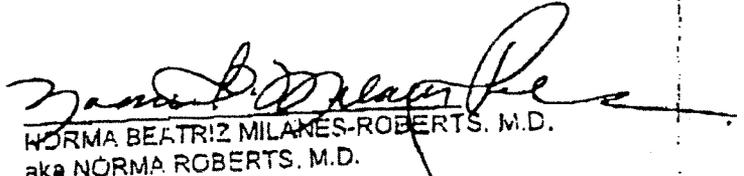
I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, 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 stipulate that the proposed sanction and Consent Order are authorized by New York Public Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, 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 Consent Order for which I apply, whether administratively or judicially. I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

AFFIRMED:

DATED: 12/15/06


NORMA BEATRIZ MILANES-ROBERTS, M.D.
aka NORMA ROBERTS, M.D.
Respondent

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

DATE: 20 Dec 06


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 21 December 2006


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER	STATEMENT
OF	OF
NORMA BEATRIZ MILANES-ROBERTS, M.D. aka NORMA ROBERTS, M.D. CO-06-05-2697-A	CHARGES

NORMA BEATRIZ MILANES-ROBERTS, M.D., aka NORMA ROBERTS, M.D.,
Respondent, was authorized to practice medicine in New York state on August 17, 1999, by the
issuance of license number 215391 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 18, 2006, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), inter alia, REPRIMANDED Respondent fined her \$5,000.00, required her to pay \$2,768.54 administrative costs, and required her to complete a Laws and Rules Course, to refund monies paid for services never rendered and refund/pay \$1,250.00 to another physician, based on making deceptive, untrue or fraudulent representations in or related to the practice of medicine or employing a trick or scheme in the practice of medicine; abandoning medical records, ultrasounds, patient insurance information, and billing statements; and failing to maintain the confidentiality of patient records.

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(20) (moral unfitness);
2. New York Education Law §6530(23) (revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient);
and/or
3. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient provided).

SPECIFICATION

Respondent violated New York State 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:

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

DATED: *August 17, 2006*
Albany, New York

Peter D. Van Buren

PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may Subject Respondent to an action pursuant to New York Public Health Law § 230(19).
2. Respondent shall maintain active registration of Respondent's license (except during periods of actual suspension) with the New York State Education Department Division of Professional Licensing Services, and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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 § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.

8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program in the area of Medical recordkeeping. This continuing education program is subject to the Director of OPMC's prior written approval and shall be completed within the first year of the probation period.
10. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.