

# Attachment 7

OPMC Interview Offer, dated February 5, 2018



# Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

February 5, 2018

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

### **PERSONAL AND CONFIDENTIAL**

Danielle Roberts, DO  
c/o Michael S. Kelton  
Abrams Fensterman  
1 MetroTech Center Suite 1701  
Brooklyn, New York 11201

RE: OPMC# AL-17-07-4422A

Dear Dr. Roberts:

The Office of Professional Medical Conduct (OPMC) within the New York State Department of Health is authorized to investigate instances or complaints of suspected professional misconduct. OPMC is currently investigating your medical conduct.

Public Health Law Section 230(10)(a)(iii) provides that in all matters referred to an investigation committee of the Board for Professional Medical Conduct, the licensee shall have an opportunity to be interviewed by OPMC in order to provide an explanation of the issues under investigation and to submit written comments or expert opinions to OPMC. You may have legal counsel present during this interview. A copy of the report of interview from OPMC will be provided to you within 30 days of the conclusion of your interview. You may have a stenographer present to transcribe the interview (at your own expense). You must provide a copy of the transcribed interview to this office within 30 days of the conclusion of the interview. After review of the transcript, if there are no inconsistencies, a Memorandum of Investigation will be provided to you within 15 days. Please see the enclosed Information for Licensees as well as information regarding infection control practices.

The matters under investigation are listed below. The questions that will be presented to you during the interview will, for the most part, address these matters. However, the discussion may, if appropriate, cover other areas relevant to the evaluation, diagnosis, treatment, and follow-up provided to the specified individuals during the specified timeframes, as well as other professional conduct, including, but not limited to, medical procedures performed on the individuals, and the circumstances before, during and after such medical procedures.

The issues under investigation are:

- Whether you used a cauterizing pen, or other medical device, to burn letters, initials, symbols or other marks upon the bodies of Sarah Edmondson, Audrey

McIntyre, India Oxenberg, Pamela Arstikaitis, Rosa Laura Junco, Allison Mack, Lauren Salzman, Sylvie Lloyd, Sahajo Haertel, and Nicole Clyne, and/or other individuals, during the period of 2009 to the present.

- Whether before, during and after the times when you used a cauterizing pen or other medical device to burn letters, initials, symbols or other marks upon the bodies of the above referenced individuals, you performed such procedures in an appropriate sterile environment, administered anesthesia, used proper equipment, and took necessary infection control steps.
- Whether you permitted multiple women in a state of nakedness to hold down the limbs of the above referenced individuals (who were also naked) in an unsterile environment, without administering anesthesia, without using proper equipment and taking necessary infection control steps while using a cauterizing pen or other medical device to burn letters, initials, symbols or other marks upon the bodies of such individuals.
- Whether you provided medical care and treatment to the above referenced individuals, and/or advised such individuals as to wound care.
- Whether you maintained medical records for each of the above referenced individuals.
- Whether videos were taken of the above referenced individuals at the time you used a cauterizing pen, or other medical device, to burn letters, initials, symbols, and/or other marks upon their bodies.
- The circumstances under which you used a cauterizing pen, or other medical device, to burn letters, initials, symbols, and/or other marks upon the bodies of the above referenced individuals.
- Whether you failed to report a virus outbreak during a retreat held at the Silver Bay YMCA in August and September 2016 to public authorities.
- Whether your physician profile, which was last updated on January 13, 2010, is presently current and compliant with law.

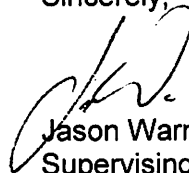
Please note that New York State Public Health Law (NYSPHL) Section 2995 mandates that physicians actively registered to practice medicine in New York State complete a Physician Profile Survey which they are required to update within six months prior to the expiration of each biennial registration period, as a condition of registration renewal. Your profile has *not* been updated as required. You must update your physician profile prior to this interview. The updates can be made on line through your Health Commerce System (HCS) account or by requesting a survey via telephone at 1-888-338-6998. Failure to update your profile as required may result in disciplinary action.

You may provide written comment and/or expert opinion that is directly relevant to the issues identified in this letter or during the interview. In addition, you are directed to provide the following identifying information, which may be provided in the form of a curriculum vitae: full name, date of birth, place of birth, residence address/phone number, office address/phone number, all states where currently or previously licensed, medical school/year graduated, residency location(s)/dates, internship location(s)/dates, current practice type and specialty, current hospital/health maintenance organization affiliations, and past hospital affiliations. Please also provide a list of all professional corporations/businesses in which you are an owner or partner, and a list of all private corporations by which you are employed.

Please telephone me at 518-408-5431 no later than February 26, 2018 to either schedule this interview or decline this opportunity for an interview. This interview must be scheduled no

sooner than 20 days from receipt of this letter, (unless you wish to waive this 20 day period), and no later than March 12, 2018. A declination must be followed up in writing to me at **New York State Department of Health, Office of Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Menands, New York 12204**. Failure to contact this office to schedule an interview or failure to show for the interview on the scheduled date will be considered a declination of your opportunity for an interview. If you or your attorney wish to discuss this matter further, please contact me at your earliest convenience. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Warn', is written over the typed name.

Jason Warn  
Supervising Medical Conduct Investigator  
Office of Professional Medical Conduct

Enclosures