

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

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IN THE MATTER  
  
OF  
  
**VICTOR M. BASBUS, M.D.**  
**CO-07-11-6622-A**

**COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING**

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**TO: VICTOR M. BASBUS, M.D.**

*Redacted  
Address*

**VICTOR M. BASBUS, M.D.**  
126 E 10<sup>th</sup> Street  
New York, NY 10003-7507

**VICTOR M. BASBUS, M.D.**  
203 W. Houston St.  
New York, NY 10014-4837

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **VICTOR M. BASBUS, M.D.**, Respondent, licensed to practice medicine in the State of New York on March 5, 1976, by license number 126413, has been convicted of committing an act constituting a felony under New York State law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **VICTOR M. BASBUS, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN  
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL  
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,  
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 21<sup>st</sup> day of August 2008, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.



The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION  
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK  
STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE  
FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN  
NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO  
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York  
July 14, 2008

*Redacted Signature*  
RICHARD F. DAINES, M.D.  
Commissioner of Health  
New York State Department of Health

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

STATE OF NEW YORK

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OF

VICTOR M. BASBUS, M.D.  
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STATEMENT

OF

CHARGES

VICTOR M. BASBUS, M.D., Respondent, was authorized to practice medicine in New York state on March 5, 1976, by the issuance of license number 126413 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 9, 2007, in the Supreme Court of the State of New York, New York County, New York, Respondent was convicted of enterprise corruption, in violation of New York Penal Law §460.20(1)(a), a class B felony; insurance fraud in the third degree, in violation of New York Penal Law §176.20, a class D felony; grand larceny in the third degree, in violation of New York State Penal Law §155.35, a class D felony; four (4) counts of offering a false instrument for filing in the first degree, in violation of New York State Penal Law §175.35, a class E felony; four (4) counts of falsifying a business record in the first degree, in violation of New York State Penal Law §175.10, a class E felony; and two (2) counts of scheme to defraud, in the first degree, in violation of New York State Penal Law §190.65(1), a class E felony; and on or about February 11, 2008, was sentenced to two (2) to six (6) years confinement on each count, a \$20.00 CVAF, and a \$250.00 surcharge; and on or about April 22, 2008, was resentenced to one (1) to three (3) years imprisonment on each of the four (4) counts of offering a false instrument for filing in the first degree.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: July 14, 2008  
Albany, New York

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