

NEW YORK STATE

DEPARTMENT OF HEALTH

IN THE MATTER

OF

AL-17-07-4422A

SUBPOENA  
AD  
TESTIFICANDUM  
AND  
CES TECUM

THE PEOPLE OF THE STATE OF NEW YORK

TO:

PURSUANT TO THE AUTHORITY OF N.Y. Pub. Health Law § 230(10)(a), the State Board for Professional Medical Conduct (the Board) is conducting an investigation of possible professional misconduct within the meaning of N.Y. Educ. Law §§ 87(2)(b) and 6531 by an individual licensed to practice medicine in the State of New York.

The Board is required to conduct this investigation by N.Y. Pub. Health Law § 230(10)(a).

PURSUANT TO N.Y. Pub. Health Law § 230(11)(a), all complaints of possible professional misconduct received by the Board must remain and are kept confidential.

PURSUANT TO THE AUTHORITY OF N.Y. Pub. Health Law §§ 230(10)(k) and (l), on November 1, 2017, a committee on professional conduct (the Committee) reviewed the complaint and investigatory materials in connection with the above-captioned matter. The committee determined that the complaint is authentic and that there is sufficient substance to warrant investigation into the professional conduct of the physician named therein. The Committee, having concluded that the preliminary investigation justifies the issuance of subpoenas in furtherance of the investigation, specifically authorized the issuance of subpoenas in this matter. The instant subpoena requires the production of documents necessary to the proper investigation of the possible professional misconduct.

YOU ARE HEREBY COMMANDED to appear and be examined before the designee(s) of the Director of the Office of Professional Medical Conduct, pursuing an investigation on the authority of the State Board for Professional Medical Conduct, New York State Department of Health, pursuant to Pub. Health Law §§230(10)(a)(i), Empire State Plaza, Corning Tower, Room 2512, Albany, New York 12237, on February 5, 2018, at 10:00 a.m., or at such other adjourned date, time or place as may be directed.

Failure to comply with this Subpoena Ad Testificandum may subject you to such penalties as are provided by the laws of the State of New York.

YOU ARE HEREBY FURTHER COMMANDED to produce before the Office of Professional Medical Conduct at New York State Department of Health, Empire State Plaza, Corning Tower, Room 2512, Albany, New York 12237, on or before the 5th day of February, or at such other adjourned dates, times and places as may be scheduled, the following documents now in your possession or under your control:

- 1) Any and all records, written communications (whether by text messaging or other text or messenger apps, e-mails, social media posts, or correspondence) photographs, movies, videos, and cellphone videos regarding marks (symbols, initials or other letters) made by use of a cauterizing pen (or other medical device) upon you by Danielle Roberts, D.O.
- 2) Any and all records, written communications (whether by text messaging or other text or messenger apps, e-mails, social media posts, or correspondence) photographs, movies, videos, and cellphone videos regarding the disinfectants, bandages, masks and gloves utilized at the times marks (symbols, initials or other letters) were made by use of a cauterizing pen (other medical device) upon you by Danielle Roberts, D.O.

3) Any and all records, written communications (whether by text messaging or other text or messenger apps, e-mails, social media posts, or correspondence) photographs, movies, videos, and cellphone videos regarding the instructions for wound care given to you at the time marks (symbols, initials, or other letters) were made by use of a cauterizing pen (or other medical device) upon you by Danielle Roberts, D.O., including, but not limited to, the type of bandages to be applied, the frequency when bandages should be changed, the application of Neosporin, ointments, coconut oil, and/or lavender to the wounds, and the frequency of said applications, and taking photographs of the wounds, and the frequency of said photographs.

OR

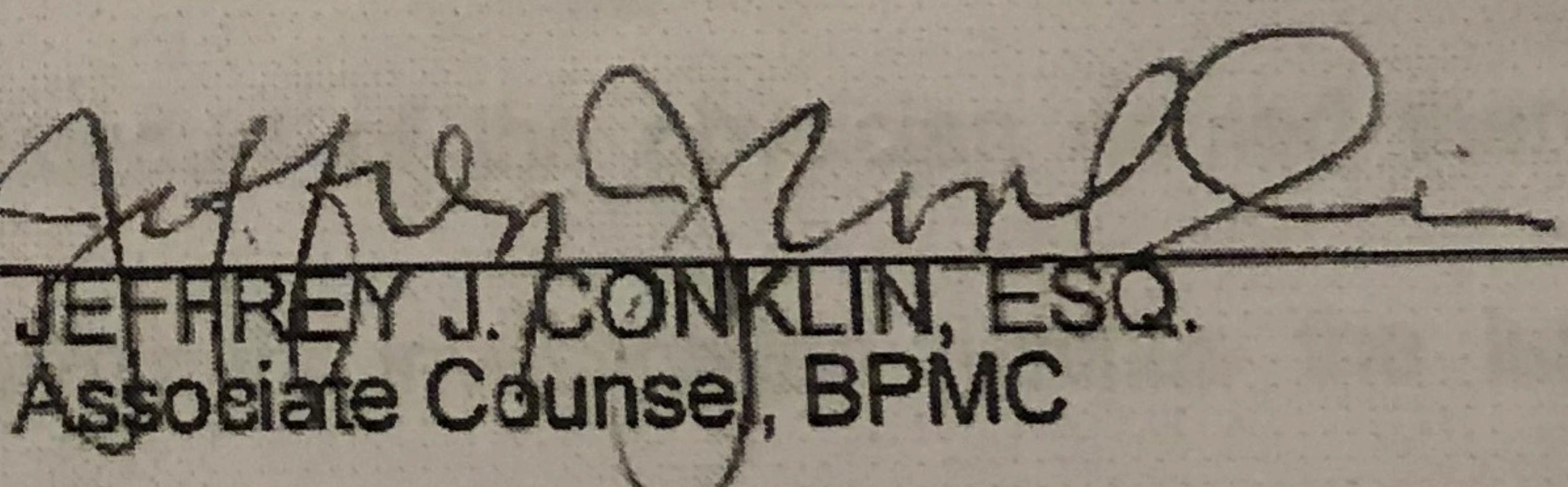
4) Legible photocopies of the material described in paragraphs (1), (2) and (3), above, certified to be true and complete copies thereof.

AND UPON YOUR FAILURE to produce as required above, you may be held subject to such penalties as are provided by the laws of the State of New York.

WITNESS, Robert Catalano, M.D., Executive Secretary  
State Board for Professional Medical Conduct

DATED: January 11, 2018  
Albany, New York

Robert Catalano, M.D., Executive Secretary  
State Board for Professional Medical Conduct

By:   
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