



**Department  
of Health**

**KATHY HOCHUL**  
Governor

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

**LISA PINO, M.A., J.D.**  
Executive Deputy Commissioner

August 26, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Leslie Eisenberg, Esq.  
NYS Department of Health  
90 Church Street – 4<sup>th</sup> Floor  
New York, New York 10007

Paul T. Gentile, Esq.  
260 Madison Avenue – 22<sup>nd</sup> Floor  
New York, New York 10016

Matthew Bonanno, M.D.  


**RE: In the Matter of Matthew Bonanno, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 21-180) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt **or** seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine **if said license has been revoked, annulled, suspended or surrendered**, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Riverview Center  
150 Broadway – Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A black rectangular redaction box covering the signature of James F. Horan.

James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:nm  
Enclosure

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

COPY

In the Matter of

Matthew Bonanno M.D. (Respondent)

Administrative Review Board (ARB)

Determination and Order No. 21- 180

A proceeding to review a Determination by  
a Committee (Committee) from the Board  
for Professional Medical Conduct (BPMC)

Before ARB Members Torrelli, Rabin, Wilson and Milone  
Administrative Law Judge Jean T. Carney drafted the Determination

For the Department of Health (Petitioner): Leslie Eisenberg, Esq.  
For the Respondent: Paul T. Gentile, Esq.

Following the Respondent's failure to comply with an Order issued by a Committee on Professional Misconduct pursuant to Public Health Law (PHL) § 230(7)(a), to submit to a medical and psychiatric examination, a BPMC Hearing Committee determined that the Respondent's conduct amounted to professional misconduct. The Hearing Committee voted to suspend the Respondent's license to practice medicine in New York State (License) until he complied with the Order for a medical and psychiatric evaluation. In this proceeding pursuant to New York Public Health Law (PHL) § 230-c(4)(a), the Respondent asked the ARB to review that Determination. The ARB dismisses the Respondent's request for failure to perfect the notice of review as required by PHL § 230-c(4)(a).

**Review History and Issues**

The Hearing Committee rendered their Determination on April 8, 2020. This proceeding commenced on April 28, 2020, when the ARB received the Respondent's Notice requesting a Review. By letter dated April 30, 2020, the parties were notified to

submit their briefs by May 29, 2020. The ARB received no submissions from either the Respondent or the Petitioner, and neither party requested an extension of time within which to respond. Pursuant to PHL § 230-c(4)(a), a “notice of review shall be perfected only if a brief is timely submitted.” Here, the Respondent failed to submit a brief, or in any other way communicate with the ARB regarding his request.

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL § 230-c provide the only rules on ARB reviews.

#### **ARB Authority**

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL § 230-a permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd., 195 A.D.2d 86, 606 N.Y.S.2d 381 (3<sup>rd</sup> Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct, 205 A.D.2d 940, 613 NYS 2d 759 (3<sup>rd</sup> Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3<sup>rd</sup> Dept. 1995). The ARB may choose to impose a more severe sanction than the Committee on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v. Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3<sup>rd</sup> Dept. 1997).

#### Determination

The ARB has considered the record and the time afforded the Respondent to perfect his Notice of Review. We dismiss the Respondent's request for failure to perfect his Notice of Review.

#### Order

NOW, with this Determination as our basis, the ARB renders the following ORDER:

1. The ARB dismisses the Respondent's request for review.

Linda Prescott Wilson

Jill Rabin, M.D.


Richard D. Milone, M.D.

Carmela Torrelli

In the Matter of Matthew Bonanno, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order in the Matter of Dr. Bonanno.


Dated: 11 August, 2021

  
  
Linda Prescott Wilson

In the Matter of Matthew Bonanno, M.D.

Jill M. Rabin, M.D., an ARB Member concurs in the Determination and Order in the Matter of Dr. Bonanno.

Dated: 8/10, 2021

  
~~Jill M. Rabin, M.D.~~



In the Matter of Matthew Bonanno, M.D.

Carmela Torrelli, an ARB Member concurs in the Determination and Order in the  
Matter of Dr. Bonanno.

Dated: August 13, 2021

A black rectangular redaction box covering the signature of Carmela Torrelli.

Carmela Torrelli



In the Matter of Matthew Bonanno, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and  
Order in the Matter of Dr. Bonanno.

Dated: August 11, 2021



Richard D. Milone, M.D.