



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

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Michael A. Gonzalez, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

February 4, 2003

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

Joseph Liborio Giunta, M.D.  
214 Fairfield Drive  
Winchester, VA 22602

RE: License No. 092874

Dear Dr. Giunta:

Enclosed please find Order #BPMC 03-25 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 4, 2003.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary

Board for Professional Medical Conduct

Enclosure

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

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**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**JOSEPH LIBORIO GIUNTA, M.D.  
CO-02-09-4599-A**

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BPMC No. 03-25

**JOSEPH LIBORIO GIUNTA, M.D., says:**

On or about August 24, 1964, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 092874 by the New York State Education Department. I currently reside at 214 Fairfield Drive, Winchester, VA 22602.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in the state of New York since 1984, and do not intend to return to the practice of medicine in the state of New York. I am, therefore, applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest Factual Allegations A, B, and C(3) and the two (2) specifications set forth in the Statement of Charges (Exhibit A).


I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

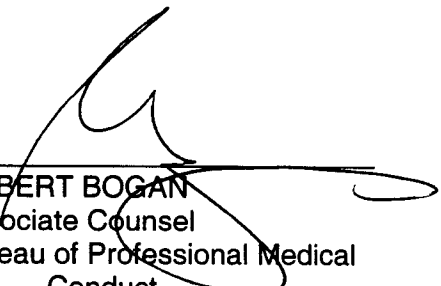
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: 1/23, 2003


  
JOSEPH LIBORIO GIUNTA, M.D.  
Respondent

AGREED TO:

Date: 27 January, 2003

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 28 January, 2003

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

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

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**IN THE MATTER**  
**OF**  
**JOSEPH LIBORIO GIUNTA, M.D.**  
**CO-02-09-4599-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**JOSEPH LIBORIO GIUNTA, M.D.**, the Respondent, was authorized to practice medicine in New York state on August 24, 1964, by the issuance of license number 092874 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 9, 2002, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine (hereinafter "Virginia Board"), issued an Order of Summary Suspension (hereinafter "Virginia Order I"), Summarily Suspending Respondent's license to practice medicine, based on practicing the profession while impaired by physical or mental disability.

B. On or about October 8, 2002, the Virginia Board, by Consent Order (hereinafter "Virginia Order II"), accepted the VOLUNTARY SURRENDER FOR REVOCATION of Respondent's license to practice medicine, based on practicing the profession while impaired by physical or mental disability, negligence on more than one occasion, and incompetence on more than one occasion.

C. The conduct resulting in the Virginia 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(5) (incompetence on more than one occasion);

and/or

3. New York Education Law §6530(7) (practicing the profession while impaired by physical or mental disability).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based 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, B, and/or C.

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530 (9)(d) by having his surrendered his license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A, B, and/or C.

DATED: *November 27, 2002*  
Albany, New York

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

**ORDER**

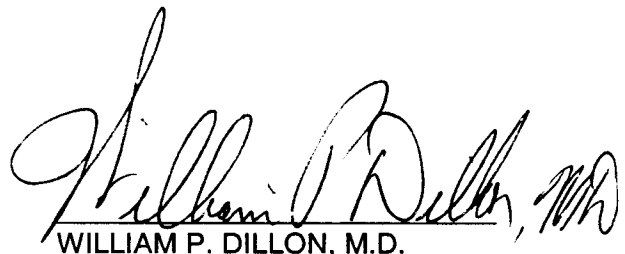
Upon the proposed agreement of **JOSEPH LIBORIO GIUNTA, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 1/30, 2003



WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct