



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

August 21, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Elsa Nida Pichardo-Matos, M.D.
300 S.E. 15th Street
Fort Lauderdale, FL 33316

RE: License No. 111693

Dear Dr. Pichardo-Matos:

Enclosed please find Order #BPMC 01-184 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 21, 2001.

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

cc: Stephen Ballinger, Esq.
888 South Andrews Avenue
Fort Lauderdale, FL 33316

Anthony M. Benigno, Esq.

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

IN THE MATTER
OF
ELSA NIDA PICHARDO-MATOS, M.D.

SURRENDER
ORDER

BPMC No. 01-184

Upon the proposed agreement of Elsa Nida Pichardo-Matos, M.D. (Respondent) to Surrender her 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 application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of 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 of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8/17/01


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

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

IN THE MATTER
OF
ELSA NIDA PICHARDO-MATOS, M.D.

SURRENDER
OF
LICENSE

Elsa Nida Pichardo-Matos, M.D., representing all statements herein made to be true, states:

On or about January 25, 1972, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 111693 by the New York State Education Department.

My current address is 300 S.E. 15th Street, Ft. Lauderdale, FL 33316 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I do not contest the specification of misconduct in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

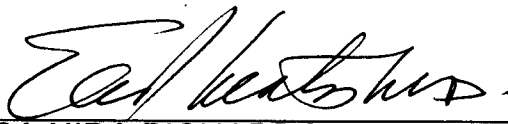
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED

8/7/01



ELSA NIDA PICHARDO-MATOS, M.D.
Respondent

The undersigned agree to the attached application of the Respondent to surrender her license.

Date: 8/8/01


STEVEN BALLINGER, ESQ.
Attorney for Respondent

Date: 3/13/01


ANTHONY M. BENIGNO
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 3/14/01


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
ELSA NIDA PICHARDO-MATOS, M.D.

STATEMENT
OF
CHARGES

Elsa Nida Pichardo-Matos, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 25, 1972, by the issuance of license number 111693 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 18, 2000, the New York State Board for Professional Medical Conduct issued BPMC Order No. 00-153, hereto annexed as Exhibit 1, which among other things, imposed a condition upon Respondent that she maintain current registration of her New York State medical license and pay all registration fees. This condition was effective on June 17, 2000. Respondent has not maintained current registration of her New York State medical license nor paid her registration fees.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Violation of Board Order

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(29) by violating a condition imposed on her pursuant to section 230 of the public health law, as alleged:

1. In the facts of paragraph A.

EXHIBIT A

DATED: *August 13*, 2001
Albany, New York

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



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.
Comissioner
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Anne F. Saile, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

May 18, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Elsa Nida Pichardo-Matos, M.D.
3161 Riverland Road
Fort Lauderdale, FL 33312

RECEIVED
Physician Monitoring
MAY 18 2000
Office of Professional
Medical Conduct

RE: License No. 111693

Dear Dr. Pichardo-Matos:

Enclosed please find Order #BPMC 00-153 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 18, 2000.**

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

cc: Steven Ballinger, Esq.
888 S. Andrews Avenue
Suite 205
Fort Lauderdale, FL 33316

Robert Bogan, Esq.

EXHIBIT 1

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

IN THE MATTER
OF
ELSA NIDA PICHARDO-MATOS, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #00-153

ELSA NIDA PICHARDO-MATOS, M.D., (Respondent) being duly sworn, deposes and says:

That on or about January 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No.111693 by the New York State Education Department.

My current address is 3161 Riverland Road, Fort Lauderdale, Florida 33312, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I do not contest the two (2) specifications, in full satisfaction of the charges against me. I hereby agree to the following penalties:

Censure and Reprimand; and
To comply fully with the State of Florida, Board of Medicine, (hereinafter "Florida Board"), Final Order # DOH-99-0523-S-MQA, filed May 12, 1999, (hereinafter "Florida Order"); to provide a written authorization for the Florida Board to provide the Director of OPMC with any/all information as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Florida Order; and to submit a signed Compliance Declaration to the

Director of OPMC, which truthfully attest whether I have been in compliance with the Florida Order until all requirements of the Florida Order have been met.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of

the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

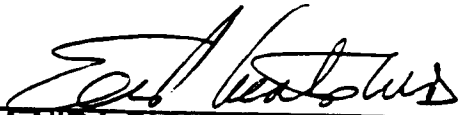
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of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

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

value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 5/1/00



ELSA NIDA PICHARDO-MATOS, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: 5/3/00


STEVEN BALLINGER, ESQ.
Attorney for the Respondent

DATE: 9 May 00


ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: May 15, 2000


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER OF
ELSA NIDA PICHARDO-MATOS, M.D.

CONSENT ORDER


Upon the proposed agreement of ELSA NIDA PICHARDO-MATOS, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 5/16/00


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

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

-----X
IN THE MATTER
OF
ELSA NIDA PICHARDO-MATOS, M.D.

STATEMENT
OF
CHARGES

-----X
ELSA NIDA PICHARDO-MATOS, M.D., the Respondent, was authorized to practice medicine in New York state on January 25, 1972, by the issuance of license number 111693 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 7, 1999, the State of Florida Board of Medicine (hereinafter "Florida Board"), entered a Final Order (hereinafter "Florida Order"), that admonished Respondent, fined her \$5,000.00, ordered her to pay \$560.91 costs, to attend 10 hours of CME, and to complete a course in Quality Medical Record Keeping based on her failure to practice within the accepted standard of care, failure to perform further diagnostic testing, failure to refer a patient for further consultation, failure to provide adequate follow-up care, failure to develop and undertake an appropriate plan of treatment for a patient, failure to realize and/or document the severity of a patient's condition, and failure of her medical records to note follow-ups and attempts to contact patients and a case of failure to include a complete history and medical exam.

B. The conduct resulting in the Florida Board's 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(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
3. New York Education Law §6530(32) (record keeping).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York Education Law §6530(9)(b) by reason of 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 the Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary

agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *Dec 23*, 1999
Albany, New York

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