



***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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NYS Department of Health*

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*Vice Chair*

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

November 28, 2001

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

Jose P. Libunao, III, M.D.  
517 East Centre Street  
No. 154  
Anaheim, CA 92805

RE: License No. 148301

Dear Dr. Libunao:

Enclosed please find Order #BPMC 01-288 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 28, 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: Peter C. Kopff, Esq.  
Kopff, Nardelli and Dopf, L.L.P.  
440 Ninth Avenue  
New York, NY 10001-1688

Robert Bogan, Esq.

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

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**IN THE MATTER**  
**OF**  
**JOSE P. LIBUNAO, III, M.D.**  
**CO-01-06-3171-A**

**SURRENDER**  
**ORDER**  
BPMC No. 01-288

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**JOSE P. LIBUNAO, M.D.,** says:

On or about October 30, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 148301 by the New York State Education Department. I currently reside at 517 East Centre Street, No. 154, Anaheim, CA 92805.

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 am 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 and B(1) and (2) 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.

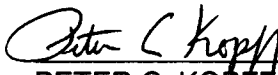
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: Nov. 11, 2001

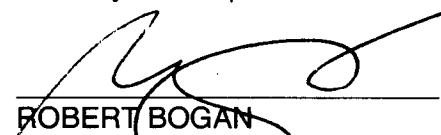
  
\_\_\_\_\_  
JOSE P. LIBUNAO, III, M.D.  
Respondent

AGREED TO:


Date: Nov 9, 2001

  
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PETER C. KOPFF, Esq.  
Attorney for Respondent

Date: 16 November, 2001

  
\_\_\_\_\_  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 20 November, 2001

  
\_\_\_\_\_  
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**

**JOSE P. LIBUNAO, III, M. D.  
CO-01-06-3171-A**

**STATEMENT**

**OF**

**CHARGES**

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**JOSE P. LIBUNAO, III, M.D.**, the Respondent, was authorized to practice medicine in New York state on October 30, 1981, by the issuance of license number 148301 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 27, 2001, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine, (hereinafter "Pennsylvania Board"), by a Consent Agreement and Order (hereinafter "Pennsylvania Order"), formally reprimanded Respondent and imposed a \$500.00 Civil Penalty, based on Respondent, a sole practitioner, leaving his practice on or about October 1997, after approximately two (2) weeks notice, several local physicians, thereafter, made numerous attempts to contact him in order to obtain the patient records, and his failure to provide his pediatric patients with adequate access to their medical records after his departure, although he did publish an advertisement in the local newspaper regarding his departure.

B. The conduct resulting in the Pennsylvania 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(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);

3. New York Education Law §6530(20) (moral unfitness); and/or
4. New York Education Law §6530(30) (abandoning or neglecting a patient and/or abandoning a professional employment).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(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 and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted 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 New York state, in that Petitioner charges:

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

DATED: *October 30*, 2001  
Albany, New York

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

**ORDER**

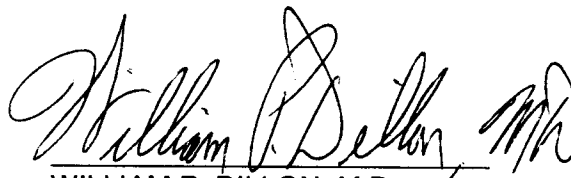
Upon the proposed agreement of **JOSE P. LIBUNAO, III, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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: 11/26, 2001



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