



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.
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NYS Department of Health

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Office of Professional Medical Conduct

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Vice Chair

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

October 6, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Francisco Jose Billini, M.D.
250 Bedford Park
Apt. 3B
Bronx, NY 10458

RE: License No.: 191919

Dear Dr. Billini:

Enclosed please find Order #BPMC 99-248 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 13, 1999.**

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: Nicholas Velez, Esq.
2010 Williamsbridge Road
Bronx, NY 10461

Kevin C. Roe, Esq.

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

-----X

IN THE MATTER : SURRENDER
OF : ORDER
FRANCISCO JOSE BILLINI, M.D. : BPMC #99-248

-----X

FRANCISCO JOSE BILLINI, M.D., says:

On or about April 15, 1993, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 191919 by the New York State Education Department.

I understand that I have been charged with thirty four specifications of professional misconduct as set forth in the statement of charges attached hereto, made part hereof, and marked as Exhibit A.

I do not contest the seventeenth specification of the Statement of Charges.


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 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.

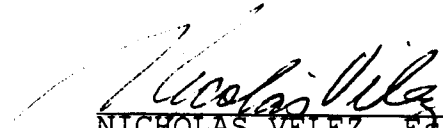
I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

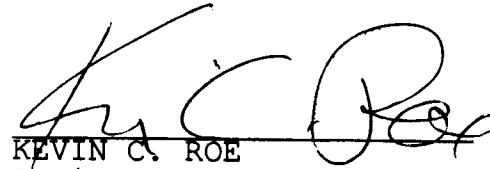

FRANCISCO JOSE BILLINI, M.D.
Respondent

AGREED TO:


Date: 9/9, 1999


NICHOLAS VELEZ, Esq.
Attorney for Respondent

Date: 9/16/99 1999


KEVIN C. ROE
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 9/27/99, 1999


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of FRANCISCO JOSE BILLINI, 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 Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: _____

10/2/94



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

Exhibit A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
FRANCISCO JOSE BILLINI, M.D. : CHARGES

-----X

FRANCISCO JOSE BILLINI, M.D., Respondent, was authorized to practice medicine in New York State on April 15, 1993, by the issuance of license number 191919 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondents treated Patient A (patients are identified in the attached appendix) in 1996, 1997, and/or 1998, at his offices, 140 Wadsworth Avenue and/or 599 West 190th Street, New York, New York. Respondents' care and treatment of Patient A failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondents ordered "absolute repose" without adequate

medical justification.

4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.
7. Respondents altered the medical record to reflect an inaccurate date or the initial office visit.

B. Respondents treated Patient B in 1996, 1997, and/or 1998, at his offices. Respondents' care and treatment of Patient B failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondent ordered "absolute repose" without adequate medical justification.
4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.
7. Respondents altered the medical record to reflect an inaccurate date or the initial office visit.

C. Respondents treated Patient C in 1996, 1997, and/or 1998, at his offices. Respondents' care and treatment of Patient C failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondents ordered "absolute repose" without adequate

medical justification.

4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.
7. Respondents altered the medical record to reflect an inaccurate date or the initial office visit.

D. Respondents treated Patient D in 1996, 1997, and/or 1998, at his offices. Respondents' care and treatment of Patient D failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondents ordered "absolute repose" without adequate medical justification.
4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.
7. Respondents altered the medical record to reflect an inaccurate date or the initial office visit.

E. Respondents treated Patient E in 1996, 1997, and/or 1998, at his offices. Respondents' care and treatment of Patient E failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.

3. Respondents ordered "absolute repose" without adequate medical justification.
4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.

F. Respondents treated Patient F in 1996, 1997, and/or 1998, at his offices. Respondents' care and treatment of Patient F failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondents ordered "absolute repose" without adequate medical justification.
4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.

G. Respondents treated Patient G in 1996, 1997, and/or 1998, at his offices. Respondent's care and treatment of Patient G failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondents ordered "absolute repose" without adequate medical justification.

4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.
7. Respondents altered the medical record to reflect an inaccurate date or the initial office visit.

H. Respondents treated Patient H in 1996, 1997, and/or 1998, at his offices. Respondents' care and treatment of Patient H failed to meet acceptable standards of medical care, in that:

1. Respondents failed to perform and/or record an adequate physical examination.
2. Respondents failed to obtain and/or record an adequate history.
3. Respondents ordered "absolute repose" without adequate medical justification.
4. Respondents ordered "absolute repose" for an inappropriate period of time.
5. Respondents failed to order and/or schedule appropriate follow-up.
6. Respondents inappropriately billed and/or charged the patient directly.
7. Respondents altered the medical record to reflect an inaccurate date or the initial office visit.

SPECIFICATIONS
FIRST THROUGH EIGHTH SPECIFICATIONS
GROSS NEGLIGENCE

Respondents are charged with gross negligence in violation of New York Education Law §6530(4) in that, Petitioner charges:

1. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, and/or A.7.
2. The facts in Paragraphs B and B.1, B.2, B.3, B.4, B.5, B.6, and/or B.7.
3. The facts in Paragraphs C and C.1, C.2, C.3, C.4, C.5, C.6, and/or C.7.
4. The facts in Paragraphs D and D.1, D.2, D.3, D.4, D.5, D.6, and/or D.7.
5. The facts in Paragraphs E and E.1, E.2, E.3, E.4, E.5, and/or E.6.
6. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, and/or F.6.
7. The facts in Paragraphs G and G.1, G.2, G.3, G.4, G.5, G.6, and/or G.7.
8. The facts in Paragraphs H and H.1, H.2, H.3, H.4, H.5, H.6, and/or H.7.

NINTH THROUGH SIXTEENTH SPECIFICATIONS
GROSS INCOMPETENCE

Respondents are charged with gross incompetence in violation of New York Education Law §6530(6) in that, Petitioner charges:

9. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, and/or A.7.
10. The facts in Paragraphs B and B.1, B.2, B.3, B.4, B.5, B.6, and/or B.7.

11. The facts in Paragraphs C and C.1, C.2, C.3, C.4, C.5, C.6, and/or C.7.
12. The facts in Paragraphs D and D.1, D.2, D.3, D.4, D.5, D.6, and/or D.7.
13. The facts in Paragraphs E and E.1, E.2, E.3, E.4, E.5, and/or E.6.
14. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, and/or F.6.
15. The facts in Paragraphs G and G.1, G.2, G.3, G.4, G.5, G.6, and/or G.7.
16. The facts in Paragraphs H and H.1, H.2, H.3, H.4, H.5, H.6, and/or H.7.

SEVENTEENTH SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondents are charged with negligence on more than one occasion in violation of New York Education Law §6530(3) in that, Petitioner charges two or more of the following:

17. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7; B and B.1, B.2, B.3, B.4, B.5, B.6, B.7; C and C.1, C.2, C.3, C.4, C.5, C.6, C.7; D and D.1, D.2, D.3, D.4, D.5, D.6, D.7; E and E.1, E.2, E.3, E.4, E.5, E.6; F and F.1, F.2, F.3, F.4, F.5, F.6; G and G.1, G.2, G.3, G.4, G.5, G.6, G.7; and/or H and H.1, H.2, H.3, H.4, H.5, H.6, H.7.

EIGHTEENTH SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondents are charged with incompetence on more than one occasion in violation of New York Education Law §6530(5) in that, Petitioner charges two or more of the following:

18. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, A.7; B and B.1, B.2, B.3, B.4, B.5, B.6, B.7; C and C.1, C.2, C.3, C.4, C.5, C.6, C.7; D and D.1, D.2, D.3, D.4, D.5, D.6, D.7; E and E.1, E.2, E.3, E.4, E.5, E.6; F and F.1, F.2, F.3, F.4, F.5, F.6; G and G.1, G.2, G.3, G.4, G.5, G.6, G.7; and/or H and H.1, H.2, H.3, H.4, H.5, H.6, H.7.

NINETEENTH THROUGH TWENTY-SIXTH SPECIFICATIONS

FRAUD

Respondents are charged with practicing the profession fraudulently in violation of New York Education Law §6530(2) in that, Petitioner charges:

19. The facts in Paragraphs A and A.1, A.2, A.3, A.4, A.5, A.6, and/or A.7.
20. The facts in Paragraphs B and B.1, B.2, B.3, B.4, B.5, B.6, and/or B.7.
21. The facts in Paragraphs C and C.1, C.2, C.3, C.4, C.5, C.6, and/or C.7.
22. The facts in Paragraphs D and D.1, D.2, D.3, D.4, D.5, D.6, and/or D.7.
23. The facts in Paragraphs E and E.1, E.2, E.3, E.4, E.5, and/or E.6.
24. The facts in Paragraphs F and F.1, F.2, F.3, F.4, F.5, and/or F.6.
25. The facts in Paragraphs G and G.1, G.2, G.3, G.4, G.5, G.6, and/or G.7.
26. The facts in Paragraphs H and H.1, H.2, H.3, H.4, H.5, H.6, and/or H.7.

**TWENTY-SEVENTH THROUGH
THIRTY-FOURTH SPECIFICATIONS**

MORAL UNFITNESS

Respondents are charged with conduct in the practice of medicine which evidences moral unfitness to practice medicine in violation of New York Education Law §6530(20) in that, Petitioner charges:

The allegations of the nineteenth through twenty-sixth specifications are repeated as if fully set forth herein.

DATED: *August 7*, 1999
Albany, New York

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