



Public

STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

November 25, 1994

RECEIVED

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OFFICE OF
MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Victor Flores, M.D.
Reg. No 31967-054
U.S. Medical Center for Federal Prisoners
P. O. Box 4000
Springfield, MO 65801-4000

William J. Genego, Esq.
100 Wilshire Blvd.
Suite 1000
Santa Monica, CA 90401

Effective Date: 12/02/94

Dianne Abeloff, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001

RE: In the Matter of Victor Flores, M.D.

Dear Mr. Flores, Mr. Genego and Ms. Abeloff:

Enclosed please find the Determination and Order (No. 94-244) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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.

As prescribed by the New York State Public health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

Redacted Signature

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:rlw

Enclosure

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

**IN THE MATTER
OF
VICTOR FLORES, M.D.**

**DETERMINATION
AND
ORDER**

BPMC-94-244

A Notice of Referral Proceedings and Statement of Charges, both dated April 23, 1994 were served upon the Respondent, Victor Flores, M.D.

Mr. ANTHONY SANTIAGO, Chairman, ALBERT ACCETTOLA, M.D. and THAKOR RANA, M.D. duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. MICHAEL P. MCDERMOTT, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on October 4, 1994. The Department of Health appeared by PETER J. MILLOCK, ESQ., General Counsel, by DIANNE ABELOFF, ESQ., Associate Counsel, of Counsel. The Respondent failed to appear.

Evidence received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior Administrative adjudication regarding conduct which would amount to professional misconduct,

if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Victor Flores, M.D., the Respondent, was authorized to practice medicine in New York State on September 20, 1966, by the issuance of license number 097473 by the New York State Education Department (Pet's. Ex. 1, 2).

2. On or about May 7, 1993, in the United States District Court, Southern District of New York, the Respondent was found guilty after a jury trial of violating 21 USC 846, conspiracy to possess Dilaudud with intent to distribute (Pet's. Ex. 5).

3. On or about April 4, 1994, the Respondent was sentenced to prison for a period of eight years to be followed by three years of supervised release (Pet's. Ex. 5).

DETERMINATION OF THE HEARING COMMITTEE

The Respondent did not appear at the hearing nor did he submit any evidence or documentation in mitigation of the charges.

FIRST SPECIFICATION

The Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530 (9) (a) (ii) (McKinney Supp. 1994), in that Respondent was convicted of committing an act constituting a crime under federal law:

SUSTAINED (3-0)

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in the State of New York is

REVOKED.

2. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Bronx, New York

10/26, 1994

Redacted Signature

ANTHONY SANTIAGO, Chairman

**ALBERT ACCETTOLA, M.D.
THAKOR RANA, M.D.**

Victor Flores, M.D.
Reg. No. 31967-054
U.S. Medical Center for Federal Prisoner's
P.O. Box 4000
Springfield, Mo. 65801- 4000

William J. Genego, Esq.
100 Wilshire Blvd.
Suite 1000
Santa Monica, California 90401-1198

Dianne Abeloff, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001

APPENDIX I

Pet's Ex 1 in EU-
by 10/3/94

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: VICTOR FLORES, M.D. : PROCEEDING
: -----X

TO: VICTOR FLORES, M.D.
Reg. Number 31967-054
U.S. Medical Center for Federal Prisoners
P.O. 4000
Springfield, Mo. 65801-4000

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 4th day of October, 1994 at 10:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: TYRONE BUTLER, ESQ., (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before May 18, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before September 21, 1994 and a copy of all papers must be served on the same date on the Department of

Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,

YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York

August 23, 1994

Redacted Signature

Chris Stern Hyman
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Dianne Abeloff
Associate Counsel
212-613-2615

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

-----X

IN THE MATTER : STATEMENT
OF : OF
VICTOR FLORES, M.D. : CHARGES

-----X

VICTOR FLORES, M.D., the Respondent, was authorized to practice medicine in New York State on September 20, 1966 by the issuance of license number 097473 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530 (9)(a)(ii) (McKinney Supp. 1994), in that Respondent was convicted of committing an act constituting a crime under federal law, specifically:

On or about May 7, 1993, in the United States District Court, Southern District of New York, Respondent was found guilty after a jury trial of violating 21 USC 846, conspiracy to possess Dilaudid with intent to

distribute. On or about April 4, 1994,
Respondent was sentenced to prison for a
period of eight years and then to a period of
three years of supervised release.

DATED: New York, New York

August 23, 1994

Redacted Signature

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct