



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

C. Maynard Guest, M.D.
Executive Secretary

September 23, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jose Floresca, M.D.
304 Brookwood Lane
Beckley, West Virginia 25814

RE: License No. 118522
Effective Date: 9/30/94

Dear Dr. Floresca:

Enclosed please find Order #BPMC 94-191 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
JOSE P. FLORESCA, M.D. : BPMC # 94-191

-----X

Upon the Application of JOSE P. FLORESCA, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

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 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.

SO ORDERED,

DATED: 9/21/94



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
JOSE P. FLORESCA, M.D. : LICENSE

-----X

STATE OF WEST VIRGINIA)

ss.:

COUNTY OF *Raleigh*)

JOSE P. FLORESCA, M.D., being duly sworn, deposes and says:

On or about November 20, 1973, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 118522 by the New York State Education Department.

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 I have been charged with Two 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

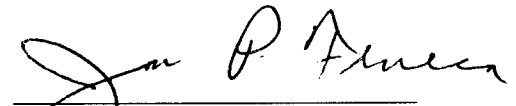
Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the allegations.

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.

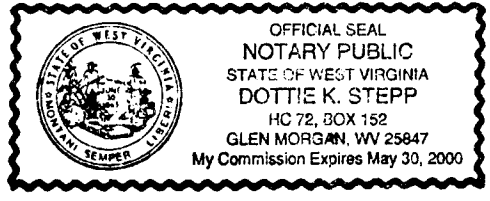
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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



JOSE P. FLORESCA, M.D.
Respondent

Sworn to before me this
14th day of September, 1994


NOTARY PUBLIC

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

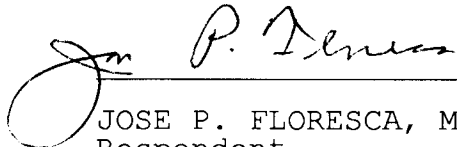
-----X

IN THE MATTER : APPLICATION TO
OF : SURRENDER
JOSE P. FLORESCA, M.D. : LICENSE

-----X


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

Date: 9/16, 1994



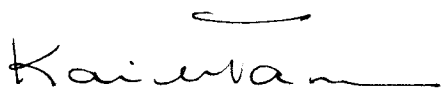
JOSE P. FLORESCA, M.D.
Respondent

Date: Sept. 19, 1994




MICHAEL A. HISER
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Sept. 20, 1994



KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: 9/20, 1994



CHARLES J. VACANTI, M.D.
Chairperson, State Board
for Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOSE P. FLORESCA, M.D. : CHARGES

-----X

JOSE P. FLORESCA, M.D., the Respondent, was authorized to practice medicine in New York State on November 20, 1973, by the issuance of license number 118522. He has not been registered for the practice of medicine since at least 1980, the earliest date records of registrations are maintained.

Factual Allegations

A. By jury verdict returned April 9, 1992, in the U.S. District Court for the Southern District of West Virginia (Crim. No. 5:91-00271-01), Respondent was found guilty of nine counts of violating federal law. Specifically, Respondent was found guilty of violating 21 U.S.C. §846 (conspiracy to distribute a federally controlled substance (Phentermine)); 21 U.S.C. §841(a)(1) (distribution of Phentermine); 21 U.S.C. §843 (obtaining a controlled substance by fraud); 21 U.S.C. §841 (distribution of oxycodone); and §18 U.S.C. §1512 (witness tampering).

B. On June 16, 1992, Respondent was sentenced in the U.S. District Court for the Southern District of West Virginia to a range of 41-51 months in prison, supervised release thereafter for a period of 3-5 years, and a fine of \$7,500. He is currently on home confinement in Beckly, West Virginia.

C. On or about May 4, 1992, the West Virginia Board of Medicine ("West Virginia Board") issued an Order of Revocation of License to Practice Medicine and Surgery in the case In Re Jose P. Floresca, M.D. The basis of the West Virginia Board's action was the Respondent's criminal conviction by the U.S. District Court for the Southern District of West Virginia in Crim. No. 5:91-00271-01, the federal court matter referred to in paragraphs "A" and "B", above.

D. The conduct of Respondent that resulted in the revocation of his license to practice medicine by the West Virginia Board would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically, New York Education Law §6530(9)(a)(ii) (McKinney Supp. 1994) (being convicted of committing an act constituting a crime under federal law).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

Being Convicted of Committing an Act
Constituting a Crime Under Federal Law

Respondent is charged with having been found guilty of committing an act constituting a crime under federal law, within the meaning of N.Y. Educ. Law §6530(9)(a)(ii) (McKinney Supp. 1994) in that Petitioner charges:

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

SECOND SPECIFICATION

Having License to Practice Medicine Revoked

Respondent is charged with having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994), where the conduct resulting in the revocation 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, C, and/or D.

DATED: Albany, New York

August 23, 1994

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel