

**These charges are only allegations which
may be contested by the licensee in an
administrative hearing.**

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

IN THE MATTER
OF
RAFAEL AVILA, M.D.

STATEMENT
OF
CHARGES

Rafael Avila, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 1, 1991, by the issuance of license number 186479 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about June 14, 2019, the Texas Medical Board issued a Mediated Agreed Order (hereafter "Texas Board Order") whereby the Respondent was publicly reprimanded and ordered to have a female chaperone present anytime he performs a physical examination of a female patient. Further, Respondent must successfully complete the professional boundaries course offered by the University of California San Diego, and he must complete eight hours continuing medical education in the topic of ethics. The Texas Board Order was based on allegations that the Respondent engaged in sexually inappropriate behavior with patients that included unwanted sexual contact.
- B. Respondent's conduct as described above upon which the disciplinary action in Texas was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:
1. New York Education Law § 6530 (20) (Conduct in the practice of medicine which evidences moral unfitness to practice medicine).
 2. New York Education Law § 6530 (31) (Willfully harassing, abusing, or intimidating a patient either physically or verbally).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530 (20) and (31)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B.

DATE: September 2 , 2020
Albany, New York



Timothy J. Mahar
Deputy Counsel
Bureau of Professional Medical Conduct