



# Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**LISA J. PINO, M.A., J.D.**  
Executive Deputy Commissioner

February 23, 2021

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Hannah E.C. Moore, Esq.  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237

Daniel Salmeron, M.D.  


**RE: In the Matter of Daniel Salmeron, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 21-039) 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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the Respondent or the Department may seek a review of a committee determination.

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., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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 Judge 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,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

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

COPY

-----X  
IN THE MATTER  
OF  
DANIEL SALMERON, M.D.  
-----X

DETERMINATION  
AND  
ORDER  
BPMC-21-039

A hearing was held on February 17, 2021, remotely by videoconference. Pursuant to Public Health Law (PHL) § 230(10)(e), **Airlie A.C. Cameron, M.D., M.P.H., Chairperson, Mehdi A. Khan, D.O., and Myra M. Nathan, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **Tina M. Champion**, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Hannah E.C. Moore, Assistant Counsel. A Notice of Referral Proceeding and Statement of Charges, both dated December 22, 2020, were duly served upon Daniel Salmeron, M.D., (Respondent), who appeared at the hearing and testified on his own behalf. An Amended Statement of Charges, dated January 21, 2021, was subsequently duly served upon the Respondent.

The Hearing Committee received and examined documents from the Department (Exhibits 1-8). A stenographic reporter prepared a transcript of the hearing.

**BACKGROUND**

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(d) for "[h]aving 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.” Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 “shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice.”

#### **FINDINGS OF FACT**

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Daniel Salmeron, M.D., the Respondent, was licensed to practice medicine in New York on June 29, 2018 by issuance of license number 294858. (Dept. Ex. 8.)
2. On or about May 13, 2020, the Respondent entered into a Consent Order (“Order”) with the State of Rhode Island, Department of Health, Board of Medical Licensure and Discipline in which the Respondent received a reprimand and agreed to pay an administrative fee in the amount of \$1,090. (Dept. Ex. 7.)
3. The Order is based on the Respondent’s failure, while practicing medicine as a telehealth provider, to complete more than 300 patient medical records. (Dept. Ex. 7.)

### VOTE OF THE HEARING COMMITTEE

The Hearing Committee, by a vote of 3-0, sustains the charge that the Respondent committed professional misconduct as defined in Educ. Law § 6530(9)(d).

### HEARING COMMITTEE DETERMINATIONS

The Hearing Committee concludes that the conduct resulting in the disciplinary action, if committed in New York State, would constitute professional misconduct under the laws of New York State as defined in:

Educ. Law § 6530(3) – practicing the profession with negligence on more than one occasion; and

Educ. Law § 6530(32) – failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient.

The Department has recommended that the Respondent be given a censure and reprimand; be fined; be placed on probation for three years; be required to have a practice monitor; and take a continuing medical education course in recordkeeping.

The Respondent testified in detail as to personal issues involving his vision and the illness of a family member during the months in which he did not complete the medical records for his telehealth patients. He indicated that he was working 40-hour weeks and seeing approximately 4 patients an hour, which allowed the volume of incomplete records to rapidly accumulate. He also testified that the records, although not complete, contained diagnoses and major medical components. The Respondent further testified that he has no prior disciplinary actions against him, feels bad about the situation, and is not currently practicing telemedicine but lives and works in Louisiana providing medical services for a home care company.

In reaching this determination, the Hearing Committee notes that it appreciated the Respondent's participation in the hearing process, his candor, and his remorse. While the Hearing Committee empathizes with the issues that the Respondent was experiencing at the time he fell


behind in his recordkeeping, it also emphasizes that the Respondent was ultimately responsible for the completeness of the patients' medical records. In considering the full spectrum of penalties available under PHL § 230-a, the Hearing Committee concludes that censure and reprimand is appropriate in this matter to protect the public of the State of New York.


**ORDER**

Now, after reviewing the evidence from the hearing, it is hereby ordered that:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is sustained;
2. The Respondent is subject to censure and reprimand pursuant to PHL § 230-a(1); and
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

Dated: Albany, New York  
February 22, 2021

  
Airlie A.C. Cameron, M.D., M.P.H., Chairperson  
Mehdi A. Khan, D.O.  
Myra M. Nathan, Ph.D.

TO: Hannah E.C. Moore, Assistant Counsel  
New York State Department of Health  
Bureau of Professional Medical Conduct  
Room 2512, Corning Tower, ESP  
Albany, New York 12237  


Daniel Salmeron, M.D.  


APPENDIX I

**IN THE MATTER**

**OF**

**DANIEL SALMERON, M.D.**

AMENDED  
STATEMENT  
OF  
CHARGES

DANIEL SALMERON, M.D., the Respondent, was authorized to practice medicine in New York State on or about 06/29/2018, by the issuance of license number 294858 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about 05/13/2020, Respondent entered a Consent Order with the State of Rhode Island, Department of Health, Board of Medical Licensure and Discipline. The Consent Order imposed disciplinary action against Respondent, a telehealth provider, for failing to complete more than 300 patient medical records. Pursuant to the Consent Order, Respondent received a reprimand, and agreed to pay an administrative fee in the amount of \$1,090.00.

B. The conduct resulting in the Rhode Island disciplinary action against Respondent could 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) (practicing the profession with negligence on more than one occasion); and/or
2. New York Education Law § 6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient)



**SPECIFICATION OF CHARGES**  
**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[3] and/or 6530[32]) as alleged in the facts of the following:

1. Paragraphs A and B.

DATE: January 21, 2021  
Albany, New York

  
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TIMOTHY J. MAHAR  
Deputy Counsel  
Bureau of Professional Medical Conduct