

**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  
MARIO TORRES-IRIBARREN, M.D.

NOTICE  
OF  
HEARING

TO:

Joseph S. Rosenbaum  
Rosenbaum & Acevedo, L.L.P.  
Courthouse Center  
40 NW 3rd Street  
Suite 200  
Miami, FL 33128-1839

Via e-mail

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on October 6, 2021, at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, 4<sup>th</sup> Floor, New York, NY 10007, or by video conference as directed by the Administrative Law Judge, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing, or by video conference if directed by the Administrative Law Judge,

and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here \_\_\_\_\_

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such

answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to §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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION  
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW  
YORK STATE BE REVOKED OR SUSPENDED, AND/OR  
THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS  
SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a.  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO  
REPRESENT YOU IN THIS MATTER.

DATE 07/29/21

  
Henry Weintraub

Chief Counsel

Bureau of Professional Medical Conduct

New York, NY

Inquiries should be directed to:

Deborah Beth Medows

Senior Attorney

Bureau of Professional Medical Conduct

90 Church Street, 4<sup>th</sup> Floor

New York, NY 10007

(212) 417-4450

**EXHIBIT "A"**

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

**IN THE MATTER**  
**OF**  
**MARIO TORRES-IRIBARREN, M.D.**

**STATEMENT**  
**OF**  
**CHARGES**

Mario Torres-Iribarren, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 17, 1983 by the issuance of license number 156323 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about August 9, 2019, the State of Florida Board of Medicine (hereinafter "the Florida Board") filed a Final Order that adopted and incorporated a Settlement and set a disposition of \$3,192.91. In the Settlement, dated on or about May 23, 2019, the Florida Board issued a letter of concern, a fine of \$2,500, reimbursement of costs, and completion of a laws and rules course. The Settlement referenced an Administrative Complaint, dated on or about March 9, 2018, which cited a July 13, 2017 Surrender of Respondent's medical license in Oregon based on information that Respondent had been indicted on multiple counts of organized fraud in Florida on March 18, 2016. Respondent failed to

update his Florida physician's profile to disclose the July 13, 2017 Order within fifteen days of the Oregon Order.

B. On or about July 13, 2017, the Oregon Medical Board issued a Stipulated Order, under which Respondent permanently surrendered his Oregon medical license while under investigation. The Stipulated Order stated that Respondent failed to notify the Board that Respondent had been indicted on multiple counts of organized fraud in Florida on March 18, 2016. The Board found that Respondent violated the Medical Practices Act by unprofessional or dishonorable conduct and fraud or misrepresentation in applying for or procuring a license.

a. The conduct described in paragraphs A and B would constitute misconduct under the laws of New York State, pursuant to New York Education Law §6530(21) ("Willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or willfully impeding or obstructing such filing, or inducing another person to do so") and New York Education Law §6530(2) ("Practicing the profession fraudulently or beyond its authorized scope").

C. On or about July 25, 2016, registering for the period October 1, 2016 through September 30, 2018, Respondent made a false statement with intent to deceive by having willfully made or filed a false report on his New York State Education Department registration renewal form by answering negatively to the question "since your last registration application, are any charges pending against you in any court?" The case was not closed in Florida until on or about November 1, 2019, in which it was closed *nolle prosequi*

### **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(21) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and its subparagraph.

#### **SECOND SPECIFICATION**

##### **FILING A FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

1. The facts in Paragraph C.

#### **THIRD SPECIFICATION**

##### **PRACTICING THE PROFESSION FRAUDULENTLY OR BEYOND ITS AUTHORIZED SCOPE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(2) by practicing the profession fraudulently or beyond its authorized scope, as alleged in the facts of:

1. The facts in Paragraph C.



DATE: July 30, 2021  
New York, New York



---

Henry Weintraub  
Chief Counsel  
Bureau of Professional Medical Conduct