



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

December 16, 2022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

David Purpora, MD
[REDACTED]

Pooja Rawal, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of David Purpora, MD

Dear Parties:

Enclosed please find the Determination and Order (No. 22-257) 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 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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), (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 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 penalties other than suspension or revocation 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:

Jean T. Carney, 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 Ms. Carney 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,



Natalie J. Bordeaux
Chief Administrative Law Judge
Bureau of Adjudication

NJB: cmg
Enclosure

COPY

**DETERMINATION
AND
ORDER**

professional agency of that state, where the conduct resulting in the revocation of his license would, if committed in New York state, constitute professional misconduct under the laws of New York. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence.

FINDINGS OF FACT

1. The Respondent was authorized to practice medicine in New York on January 16, 1973, under license number 114773. (Exhibit 5.)

2. By Final Order dated October 29, 2021, the State of Florida Board of Medicine (Florida Board) determined to revoke the Respondent's medical license, effective November 2, 2021, after the Respondent failed to appear for a hearing regarding an administrative complaint that charged him with negligence in his treatment of five patients and failure to keep accurate and complete records of their treatment. The Florida Board approved, adopted, and incorporated by reference all allegations of fact and conclusions of law set forth in the administrative complaint. (Exhibit 4.)

DISCUSSION

The Florida Board charged the Respondent with negligence in his treatment of five patients by failing to perform a thorough medical history, failing to create a treatment plan, prescribing controlled substances in excessive quantities, and failing to monitor patient compliance with controlled substance prescriptions. The Respondent was also charged with failing to maintain accurate medical records for those patients, including a thorough medical history, medications they were taking, justification for prescribing large quantities of controlled substances, documentation of monitoring patient compliance with controlled substances, and documentation of communications with the patients' primary care providers. The underlying factual allegations and conclusions of law set forth in the Florida Board's administrative complaint were approved, adopted and incorporated

by reference in the Final Order revoking the Respondent's license to practice medicine in Florida.
(Exhibit 4.)

The Hearing Committee agreed that the Respondent's actions resulting in the Florida Board's disciplinary action would, if committed in New York, constitute misconduct pursuant to: Education Law § 6530(3), practicing the profession with negligence on more than one occasion, and Education Law § 6530(32), failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient. The Hearing Committee thus determined that the Respondent violated Education Law § 6530(9)(d).

After determining to sustain the charge, the Hearing Committee considered all possible penalties authorized by PHL § 230-a. The Hearing Committee agreed with the Department's recommendation that revocation of the Respondent's medical license was warranted. The Respondent offered no information at the hearing to demonstrate that he has taken responsibility for, and learned from, the errors that led to the revocation of his Florida license. Instead, the Respondent attempted to relitigate the charges that were sustained by the Florida Board (despite declining to defend himself in Florida, the appropriate forum), and denied having ever treated the patients named in the Florida Board's Final Order. Curiously, the Respondent also insisted that he had no intention of returning to the practice of medicine, despite claiming that this hearing was unfair and attempting to defend his ability to practice medicine in New York. Given the inconsistencies in the Respondent's explanations and his failure to accept responsibility for his actions, the Hearing Committee concluded that revocation of the Respondent's license was the only penalty that would adequately protect patients in New York.


ORDER

IT IS HEREBY ORDERED THAT:

1. The charge of professional misconduct, as set forth in the Statement of Charges, is sustained.
2. The Respondent's license to practice medicine in the state of New York is hereby revoked pursuant to PHL § 230-a(4).
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of PHL § 230(10)(h).

DATED: December 16, 2022

Staten Island, New York


Michael C. Iannuzzi, M.D., Chairperson
Joseph S. Baler, M.D.
Gail S. Homick Herrling

To: David Purpora, M.D.



Pooja Rawal, Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building – Room 2512
Empire State Plaza
Albany, New York 12237

IN THE MATTER

OF

DAVID PURPORA, M.D.

STATEMENT

OF

CHARGES

DAVID PURPORA, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 16, 1973, by the issuance of license number 114773 by the New York State Education Department.

FACTUAL ALLEGATIONS

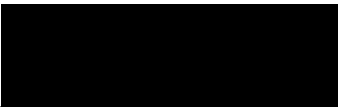
- A. On or about October 29, 2021, the Florida Medical Board ("Florida Board") revoked the Respondent's Florida medical license. The Florida Board's decision was based on the Respondent's failure to meet the minimum standard of care during his care and treatment of five patients and for his failure to create and keep medical records from 2016 to 2018.
- B. The conduct resulting in the Florida Board's disciplinary action against the Respondent would constitute misconduct under the laws of New York State pursuant to the following section of New York State Law:
1. N.Y. Educ. Law § 6530(3) (Practicing the profession of medicine with negligence on more than one occasion); and/or
 2. N.Y. Educ. 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 the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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 as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and/or B1 and/or B2.

DATE: October 5, 2022
Albany, New York



HENRY WEINTRAUB
Chief Counsel
Bureau of Professional Medical Conduct