

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

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IN THE MATTER : **ADMINISTRATIVE**
OF : **REVIEW BOARD**
JOSE LLORENS, M.D. : **DETERMINATION**
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In this matter, the Department of Health has requested that the Review Board complete an Administrative Review in which a Respondent has withdrawn his request for review. Jose Llorens, M.D. filed a Notice of Review on July 14, 1992 requesting an Administrative Review of a Professional Medical Conduct Hearing Committee's June 25, 1992 Determination suspending his license to practice medicine in New York State for six months. The attorney for Dr. Llorens withdrew the request for Administrative Review on August 17, 1992 and advised the Review Board that Dr. Llorens was submitting his Physician Registration Certificate to the Office of Professional Medical Conduct to commence the suspension. The Department opposes the termination of the appeal (Attachment 1) because the Department's attorney has submitted a Brief (Attachment 2) requesting that the Board correct several typographical and drafting errors in the Hearing Committee's

Report (Attachment 3).

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of Robert M. Briber, Maryclaire B. Sherwin, Edward C. Sinnot, M.D. and William A. Stewart, M.D.¹ held deliberations on September 2, 1992 and voted unanimously to reject the Department's application to reinstate Dr. Llorens' appeal. The Review Board has noted already in the case of Joseph Saltiel, M.D. (ARB No. 92-57-A) that an appellant may withdraw his request for Administrative Review by submitting a letter to that effect to the Board's Administrative Officer (see attachment 4). This is exactly the process Dr. Llorens' attorney followed in this case.

The Department had the opportunity to bring the issues raised in its Brief before the Review Board by filing its own Notice of Review within 14 days from receiving the Hearing Committee's Determination. The Department did not file a Notice

¹ At the time at which the Administrative Review Board met to deliberate this case, the New York State Senate had confirmed only four members of the five-member Administrative Review Board that was created pursuant to Chapter 606 of the Laws of 1991.

of Review in this case. With the withdrawal of Dr. Lloren's appeal, the Department is in effect applying to the Review Board to accept a late appeal in order to bring its issue before us now. Public Health Law §230-c(4)(a) provides explicitly that parties have only 14 days to file a Notice of Review and contains no provision allowing the Board to extend the period in which to file for review.

The review process in this case ended at the point when the Review Board received Dr. Llorens' letter withdrawing the request for review.

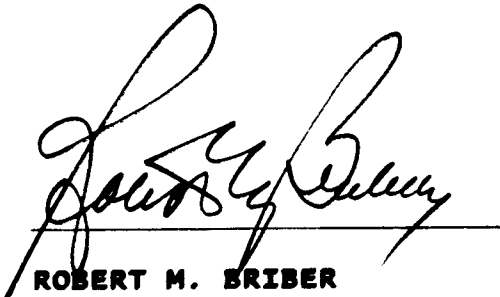
**ROBERT M. BRIBER
MARYCLAIRE B. SHERWIN
EDWARD C. SINNOTT, M.D.
WILLIAM A. STEWART, M.D.**

IN THE MATTER OF JOSE LLORENS, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Dr. Llorens.

DATED: Albany, New York

September 22, 1992



ROBERT M. BRIBER

IN THE MATTER OF JOSE LLORENS, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Dr. Llorens.

DATED: Malone, New York

September 16, 1992

Maryclaire B. Sherwin

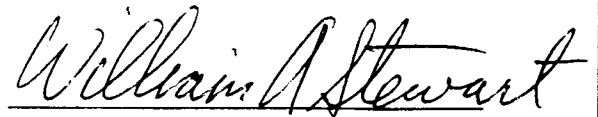
MARYCLAIRE B. SHERWIN

IN THE MATTER OF JOSE LLORENS, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Dr. Llorens.

DATED: Syracuse, New York

September 16, 1992



WILLIAM A. STEWART, M.D.

IN THE MATTER OF JOSE LLORENS, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the matter of Dr. Llorens.

DATED: Roslyn, New York

September 22, 1992

A handwritten signature in cursive script, appearing to read "Edward C. Sinnott", written in black ink on a white background.

EDWARD C. SINNOTT, M.D.