



**New York State Board for Professional Medical Conduct**

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
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NYS Department of Health  
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*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

July 14, 2000

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Luis L. Barreto, P.A.  
2285 NW 89th Street  
Miami, Florida 33147

RE: License No. 000436

Dear Mr. Barreto:

Enclosed please find Order #BPMC 00-203 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect July 14, 2000.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Sean M. Ellsworth, Esq.  
Dresnick, Ellsworth and Felder, P.A.  
Suntrust Plaza, Suite 701  
201 Alhambra Circle  
Coral Gables, Florida 33134-5108

Robert Bogan, Esq.

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

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**IN THE MATTER**  
**OF**  
**LUIS LORENZO BARRETTO, P.A.**

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**CONSENT**  
**AGREEMENT**  
**AND ORDER**

BPMC No. 00-203

LUIS LORENZO BARRETTO, P.A., (Respondent) being duly sworn deposes and says:

That on or about July 1, 1976, I was licensed to practice as a physician in the State of New York, having been issued License No. 000436 by the New York State Education Department.

My current address is 2285 NW 89<sup>th</sup> Street, Miami, Florida 33147, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board of Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I do not contest the two (2) specifications, in full satisfaction of the charges against me, hereby agree to the following penalties:

**Censure and Reprimand;**

To pay all back unpaid registration fees from the date of the initial issuance of my license to the present, within 60 days of the effective date of this order.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition

Shall be in effect beginning thirty days after the effective date of The Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first

class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

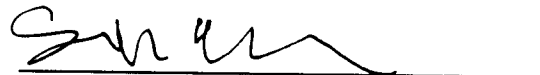
DATED: 6/29/00



LUIS LORENZO BARRETTO, P.A.  
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 6/29/00



SEAN M. ELLSWORTH, ESQ.  
Attorney for Respondent

DATE: 6/30/00



ROBERT BOGAN  
Assistant Counsel  
Bureau of Professional Medical Conduct

DATE: June 30, 2000



ANNE F. SAILE  
Director  
Office of Professional Medical Conduct

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

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IN THE MATTER  
OF  
LUIS LORENZO BARRETTO, P.A.

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STATEMENT  
OF  
CHARGES

LUIS LORENZO BARRETTO, P.A., the Respondent, was authorized to practice medicine in New York state on July 1, 1976, by the issuance of license number 000436 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about August 14, 1992, the State of Florida, Department of Professional Regulation, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), suspended Respondent's license to practice as a physician assistant for one (1) year and until such time as he appears before the Florida Board and demonstrates his ability to practice as a physician assistant with skill and safety, and once the suspension is lifted, his license is placed on five (5) years probation, subject to terms and conditions, based on his holding himself out as a licensed physician, prescribing medicinal drugs to himself and others on numerous and diverse occasions, performing tasks beyond his competence or authorization, and failing to comply with a lawfully issued subpoena of the department.

B. On or about February 4, 1999, Respondent applied to the Florida Board to remove the probationary status of his license.

C. On or about July 29, 1999, the Florida Board, by an Order Denying Respondent's Request for Modification of Terms of Probation, denied the request described in Paragraph B above.

D. On or about May 18, 2000, the Florida Board, by a Notice of Termination of Probation, terminated Respondent's probation described in Paragraphs A, B, and C above.

E. The conduct resulting in the Florida Board's disciplinary action against Respondent would 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(2) (practicing the profession fraudulently or beyond its authorized scope);
2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine)
3. New York Education Law §6530(21) (making or filing a false report);
4. New York Education Law §6530(24) (practicing beyond the scope permitted by law); and/or
5. New York Education Law §6530(32) (record keeping).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraph A, B, C and/or D.

**SECOND SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having had his license suspended or having had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional agency of another state where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraph A, B, C, and/or D.

DATED: \_\_\_\_\_, 2000  
Albany, New York

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PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

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

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IN THE MATTER  
OF  
LUIS LORENZO BARRETTO, P.A.

CONSENT  
ORDER

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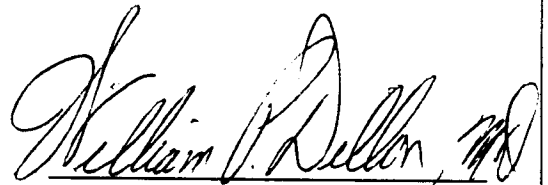
Upon the proposed agreement of LUIS LORENZO BARRETTO, P.A. (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7/10/00



WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct