

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

Danilo Nunez, Physician  
300 East 54th Street - Apt. 20H  
New York, N.Y. 10022

Re: License No. 115296

Dear Dr. Nunez:

Enclosed please find Commissioner's Order No. 10899. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

MOIRA A. DORAN  
Supervisor

DJK/MAH/er  
Enclosures

CERTIFIED MAIL- RRR

cc:

**RECEIVED**  
AUG 20 1999  
Office of Professional Discipline  
Medical Services

**REPORT OF THE  
REGENTS REVIEW COMMITTEE**

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**DANILO NUNEZ**

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**CALENDAR NO. 10899**



# The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

**DANILO NUNEZ**

**No. 10899**

who is currently licensed to practice  
as a physician in the State of New York.

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## REPORT OF THE REGENTS REVIEW COMMITTEE

DANILO NUNEZ, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On May 31, 1990, the scheduled date of our hearing, respondent appeared before us in person and elected to proceed without an attorney. Dawn Dweier, Esq., represented the New York State Department of Health.

Petitioner's recommendation as to the penalty to be imposed, should respondent be found guilty, was a 3 year suspension, stay, probation, terms of probation to include a requirement that his prescribing controlled substances be monitored when the 2 year suspension of his triplicates runs out.

Respondent's recommendation as to the penalty to be imposed,

DANILO NUNEZ (10899)

should respondent be found guilty, was "I hereby request leniency in the penalty since:

1. my mistakes were committed out of lack of experience and not malice.
2. I have served faithfully my community for more than 15 y[ears] and continue to do so.
3. my practice has been otherwise impeccable.
4. all above can be properly" documented.

We have reviewed the record in this matter including respondent's five letter submissions; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

**FINDINGS OF FACT**

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was found to be in violation of Article Thirty-three of the Public Health Law by the Commissioner of Health, as set forth in the statement of charges and the record herein.

**DETERMINATION AS TO GUILT**

The charge, annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

DANILO NUNEZ (10899)

**RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED**

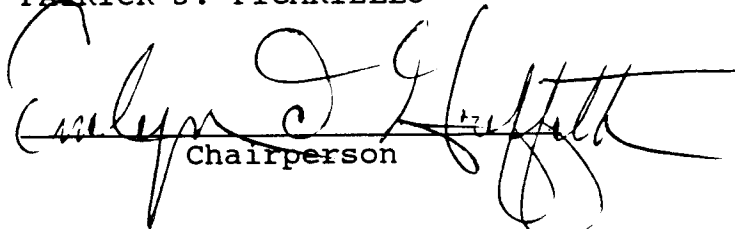
Respondent's license to practice as a physician in the State of New York be suspended for three years upon the charge of which respondent has been found guilty, that execution of said suspension be stayed at which time respondent be placed on probation for three years as set forth under the terms of probation which are annexed hereto, made a part hereof, and marked as Exhibit "B".

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO

  
Chairperson

Dated: 6/26/90

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
DANILO NUNEZ, M.D. : CHARGES  
-----X

DANILO NUNEZ, M.D., the Respondent, was authorized to practice medicine in New York State in 1973 by the issuance of license number 115296 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at 25 Saint James Place New York, New York 10038.

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6509(5)(c)(McKinney 1985) in that he has been found by the Commissioner of Health to be in violation of Article 33 of the Public Health Law, specifically:

By order of the Commissioner of Health dated March 30, 1989, based upon a stipulation and agreement by the parties, Respondent was found to have had violated Sections 3331(1), 3331(2), 3332(1) and

3332(3) of Article 33 of the Public Health Law as follows:

i. Respondent, improperly prescribed quantities of substances including Demerol, Percocet, Tuinal and Dilaudid to four (4) individuals at various times between 1978 and 1985 who because of repeated use of such substances were in danger of becoming dependent on the substances.

ii. Respondent improperly prescribed, on multiple official New York State prescription forms, Schedule II controlled Substances including Quaalude, Demerol, Percocet, Tuinal, Dilaudid which if taken in accordance with the written directions for use would exceed a thirty (30) day supply.

iii. Respondent improperly issued prescriptions which lacked required information.

iv. Respondent, during the period from September 8, 1984 through January 11, 1985,

Respondent improperly prescribed 120  
Demerol 100 mg., 315 Tuinal 200 mg. and 270  
Percocet, by failing to utilize official  
NYS prescription forms.

A civil penalty of twenty eight thousand dollars(\$28,000)  
was assessed against Respondent for the violations set forth  
above. Eighteen Thousand Dollars of the penalty was suspended  
provided that Respondent complied with the terms set forth in the  
stipulation and order and provided Respondent committed no  
further violations of Article 33 of the Public Health Law or Part  
80 of Title 10 of NYCRR for a period of 2 years from the  
effective date of the stipulation and order. Respondent's use of  
official NYS prescription forms to prescribe Schedule II  
controlled substances was suspended for a period of two years.

DATED: New York, New York

*April 24, 1990*



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct



EXHIBIT "B"

TERMS OF PROBATION  
OF THE REGENTS REVIEW COMMITTEE

DANILO NUNEZ

CALENDAR NO. 10899

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
  - a. That respondent, during the period of probation, shall act in all ways in a manner befitting respondent's professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by respondent's profession;
  - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
  - c. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and
  - d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of

DANILO NUNEZ (10899)

Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. That, during the period of probation, upon notification by the respondent of the restoration of respondent's controlled substances prescription privileges, respondent shall then have respondent's practice monitored, at respondent's expense, as follows:
  - a. That said monitoring shall be by a physician selected by respondent and previously approved, in writing, by the Director of the Office of Professional Medical Conduct;
  - b. That respondent shall be subject to random selections and reviews by said monitor of respondent's prescriptions for controlled substances in regard to respondent's practice, and respondent shall also be required to make such records available to said monitor at any time requested by said monitor; and
  - c. That said monitor shall submit a report, once every four months, regarding the above-mentioned monitoring of respondent's practice to the Director of the Office of Professional Medical Conduct;
3. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**DANILO NUNEZ**

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**CALENDAR NO. 10899**



# The University of the State of New York

IN THE MATTER

OF

DANILO NUNEZ  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 10899

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Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 10899, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (July 27, 1990):** That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of DANILO NUNEZ, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be suspended for three years upon the charge of which respondent has been found guilty; that execution of said suspension be stayed at which time respondent be placed on probation for three years as set forth under the terms of probation prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

**and it is**

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

DANILO NUNEZ (10899)

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 6<sup>th</sup> day of August, 1990.

*Thomas Sobol*  
Commissioner of Education