



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2229 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health
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Office of Professional Medical Conduct

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Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

December 30, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Barbara Battalino, D.O.
2000 Los Osos Valley Road
Los Osos, CA 93402

RE: License No.: 140243

Dear Dr. Battalino:

Enclosed please find Order #BPMC 99-330 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **December 30, 1999.**

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: Robert Bogan, Esq.

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

**IN THE MATTER
OF
BARBARA BATTALINO, D.O.**

**SURRENDER
ORDER
BPMC #99-330**

BARBARA BATTALINO, D.O., says:

On or about October 5, 1979, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 140243 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.


I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Date: 12/16, 1999


BARBARA BATTALINO, D.O.
Respondent


AGREED TO:

Date: 20 Dec, 1999



ROBERT BOGAN
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: December 21, 1999



ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of BARBARA BATTALINO, D.O., to Surrender her license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimilie to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12/23/99



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

EXHIBIT A

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

-----X

| | |
|-------------------------|-----------|
| IN THE MATTER | STATEMENT |
| OF | OF |
| BARBARA BATTALINO, D.O. | CHARGES |

-----X

BARBARA BATTALINO, D.O., the Respondent, was authorized to practice medicine in New York state on October 5, 1979, by the issuance of license number 140243 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 27, 1999, the Osteopathic Medical Board of California, (hereinafter "California Board"), by a Stipulation For Surrender of License accepted the surrender of Respondent's Osteopathic Physician and Surgeon license, based on a conviction, on or about February 14, 1998, in the United States District Court, District of Idaho, of one count of Obstruction of Justice in violation of 18 U.S.C. §1503 and that she had a sexual relationship with a patient.

B. The conduct resulting in the California 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(9)(a)(ii) (being convicted of committing an act constituting a crime under federal law); and/or

2. New York Education Law §6530(44) (in the practice of psychiatry, any physical contact of a sexual nature with a patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having 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 the Petitioner charges:

1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: _____, 1999
Albany, New York

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