



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

September 1, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Raphael San Juan, M.D.
Inmate #98R2900
Ogdensburg Correction Facility
PO Box 158
Ogdensburg, New York 13669

RE: License No. 160780

Dear Dr. San Juan:

Enclosed please find Order #BPMC 98-197 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 1, 1998.**

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.

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: Andrea Hirsch, Esq.
The Woolworth Building
233 Broadway, Suite 770
New York, New York 10279

Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
RAPHAEL SAN JUAN, M.D.

SURRENDER
OF
LICENSE
BPMC #98-197

STATE OF NEW YORK)

COUNTY OF)

ss.:

RAPHAEL SAN JUAN, M.D., being duly sworn, deposes and says:

On or about November 19, 1984, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 160780 by the New York State Education Department.

My current address is Inmate #98R 2900, Ogdensburg Correction Facility P.O. Box 158 Ogdensburg, NY 13669, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one 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 permission to surrender my license as a physician in the State of New York on the grounds that I do not contest that specification in full satisfaction of the Statement of Charges.

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

I understand that, in the event that the application 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 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 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:
DATED 8/6/98


RAPHAEL SAN JUAN, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 8/10/98

Audrey G. Huse
Attorney for Respondent [If any.]
[Leave blank if unrepresented]

Date: 8/17/98

Marcia E. Kaplan for Roy Nemerson
ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Date: August 19, 1998

Anne Saile
ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
RAPHAEL SAN JUAN, M.D.

SURRENDER
ORDER

Upon the proposed agreement of RAPHAEL SAN JUAN, M.D. (Respondent) to Surrender his 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 application 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 of the Surrender 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: 8/23/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
RAPHAEL SAN JUAN, M.D.

STATEMENT
OF
CHARGES

RAPHAEL SAN JUAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 19, 1984, by the issuance of license number 160780 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. On or about April 9, 1998, after having been found guilty by a jury of the Supreme Court of the State of New York (County of Bronx) of criminal acts proscribed by the N.Y. Penal Law as enumerated below and as more fully setforth in Appendix "A", attached hereto and incorporated, Respondent was sentenced to terms of incarceration as enumerated below:

	<u>CRIME</u>	<u>SENTENCE</u>
a.	Criminal Solicitation 4th Penal Law §100.05	One Year
b.	Grand Larceny 2nd Penal Law §155.40	Three - Nine Years
c.	Offering False Instrument Penal Law §175.35	One - Three Years
d.	Offering False Instrument Penal Law §175.35	One - Three Years
e.	Offering False Instrument Penal Law §175.35	One - Three Years
f.	Offering False Instrument Penal Law §175.35	One - Three Years
g.	Offering False Instrument Penal Law §175.35	One - Three Years

Said criminal acts all related to the New York State Medical Assistance

EXHIBIT "A"

(Title XIX) Program (Medicaid).

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (N.Y.S.)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(i)(McKinney Supp. 1998) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. Paragraph A and each of its subparagraphs.

DATED: June 1998
New York, New York


ROY NEMERSON
Deputy Counsel
Bureau of Professional