



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

February 22, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Lourdes Talvy, M.D.
NYS License No. 113962

Dear Mr. Bentley:

Attached is a copy of Commissioner's Order and Notice of Hearing summarily suspending Dr. Lourdes Talvy's right to practice medicine in the State of New York. This Order was issued February 18, 2000 and shall remain in effect unless modified or vacated by the Commissioner of Health.

Sincerely,

A handwritten signature in black ink that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

COMMISSIONER'S
ORDER


TO: LOURDES TALVY, M.D.

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of Health, after an investigation, upon the attached recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached thereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by LOURDES TALVY, M.D., the Respondent, constitutes an imminent danger to the health of the people of this state.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law §230(12), that effective immediately LOURDES TALVY, M.D., Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law §230(12).

DATED: Albany, New York
February 18, 2000


ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner
New York State Health Department

NYS DEPT. OF HEALTH
DIVISION OF LEGAL AFFAIRS - NYC
PROFESSIONAL MEDICAL CONDUCT

FEB 18 2000

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

RECEIVED

**IN THE MATTER
OF
LOURDES D. TALVY, M.D.**

**HEARING COMMITTEE'S
RECOMMENDATION
TO THE
COMMISSIONER**

MR. KENNETH KOWALD (Chair), **FILIPPO DI CARMINE, M.D.**, and **RALPH LEVY, D.O.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to §230(10) of the Public Health Law.

MARC P. ZYLBERBERG, ESQ., ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer ("ALJ").

The Department of Health appeared by **DENISE LEPICIER, ESQ.**, Associate Counsel.

Respondent, **LOURDES D. TALVY, M.D.**, appeared personally and was represented by **SEGAL & TESSER, LEWIS TESSER, ESQ.**, of counsel, for the first day of Hearing and **HENRY DEGREEF, ESQ.**, for the last day of the Hearing. **DR. TALVY** was *pro se* the second day of the Hearing.

Hearings were held on November 17, December 1, and December 20, 1999. Evidence was received and examined. Transcripts of the proceeding were made. Deliberation was held on February 9, 2000. After consideration of the record, the Hearing Committee issues this Hearing Committee's Recommendation to the Commissioner of the New York State Department of Health.

LOURDES D. TALVY, M.D., ("Respondent") is charged with professional misconduct within the meaning of §§6530(3), (4), (5), (6), (19), and (32) of the Education Law of the State of New

A copy of the Statement of Charges is attached to this Hearing Committee Recommendation to the Commissioner as Appendix I

On February 9, 2000 the Hearing Committee deliberated after 3 days of Hearings and receipt of proposed findings and conclusions of law from the parties. The Hearing Committee unanimously decided to sustain a number of the specifications of gross negligence and gross incompetence. The Hearing Committee also unanimously sustained all of the remaining specifications of negligence on more than one occasion, incompetence on more than one occasion, failure to maintain adequate medical records and sharing fees for professional services. The Hearing Committee will be issuing its Determination and Order as required under Public Health Law §230(10). The Hearing Committee has determined that the only appropriate penalty in this matter is revocation of Respondent's license to practice medicine in the State of New York. A full discussion of the facts, conclusions and reasons for the penalty will be set forth in the Hearing Committee's Determination and Order.

During discussions of the 10 patients presented, the Hearing Committee was concerned that the conduct of Respondent in treating her patients, specifically, Patients B, C, E, H and J, indicated a grave lack of understanding of patient care and medical requirements. These Patients were in potentially life threatening situations, unrecognized and unaddressed by Respondent.

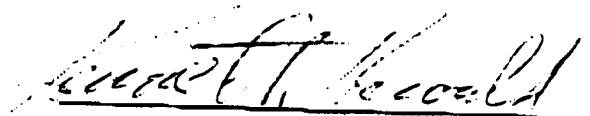
After the Hearing Committee had made its determination of the facts, conclusions and appropriate penalty, the ALJ provided to the Hearing Committee a copy of Respondent's prior disciplinary action (1986), together with a letter from the Department of Health, dated January 18, 2000, and a letter from Respondent, dated January 8, 2000 (copies are attached as Appendix II).

Based on the evidence presented in this proceeding, and reinforced by the information contained from the prior disciplinary action, the Hearing Committee strongly believes that Respondent has engaged, and continues to be engaged in conduct (the practice of medicine) which constitutes an imminent danger to the People of New York. The Hearing Committee strongly believes that it would be prejudicial to the interest and health of the People of New York to permit Respondent to continue to practice medicine. The Hearing Committee believes that Respondent's license should be immediately suspended pending the issuance of the Determination and Order.

Therefore, the Hearing Committee makes this unusual request and recommendation to the Commissioner of the Department of Health. The Hearing Committee recommends that Lourdes D. Talvy's license to practice medicine in the State of New York be immediately suspended.

By execution of this document, by the Chair, all members of the Hearing Committee certify that they have read and considered the complete record of this proceeding and are unanimous in their request.

DATED: New York, New York
February 14, 2000



MR. KENNETH KOWALD
FILIPPO DI CARMINE, M.D.
RALPH LEVY, D.O.

ANTONIA C. NOVELLO, M.D., M.P.H.
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