



New York State Board for Professional Medical Conduct

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

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NYS Department of Health*

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*Executive Deputy Commissioner
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

July 20, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Daniel De La Pava, M.D.
6332 West Fanfol Drive
Paradise Valley, AZ 85253

RE: License No. 126067

Dear Dr. De La Pava:

Enclosed please find Order #BPMC 01-169 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect July 20, 2001.

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
DANIEL DE LA PAVA, M.D.
CO-01-01-0074-A

SURRENDER
ORDER
BPMC No. 01-169

DANIEL DE LA PAVA, M.D., says:

On or about December 22, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 126067 by the New York State Education Department. I currently reside at 6332 East Fanfol Drive, Paradise Valley, AZ 85253.

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.

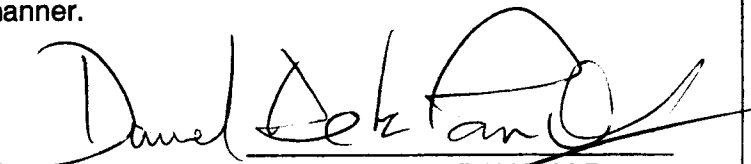
I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

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.

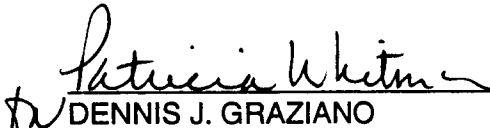
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

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: July 8, 2001 
DANIEL DE LA PAVA, M.D.
Respondent

AGREED TO:

Date: 12 July, 2001 
ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 7/12, 2001 
DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
DANIEL DE LA PAVA, M.D.
CO-01-01-0074-A

STATEMENT
OF
CHARGES

DANIEL DE LA PAVA, M.D., the Respondent, was authorized to practice medicine in New York state on December 22, 1975, by the issuance of license number 126067 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 29, 2000, the Board of Medical Examiners in the State of Arizona (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order (Letter of Reprimand) (hereinafter "Arizona Order I"), issued Respondent a letter of reprimand, based on gross negligence, repeated negligence or negligence resulting in harm to or death of a patient.

B. On or about January 9, 2001, the Arizona Board, by a Revised Findings of Fact, Conclusions of Law and Order (Letter of Reprimand/Order of Probation) (hereinafter "Arizona Order II") issued Respondent a letter of reprimand, placed him on probation, ordered that staff conduct an office survey of the past five years of Respondent's breast reconstruction procedures, and required him to obtain twenty (20) hours of CME in work up and care of breast augmentation reconstruction surgery, based on gross negligence, repeated negligence or negligence resulting in harm to or death of patient.

C. The conduct resulting in the Arizona Board disciplinary actions 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than once occasion);
4. New York Education Law §6530(6) (gross incompetence);
5. New York Education Law §6530(26) (performing services which have not been duly authorized); and/or
6. New York Education Law §6530(32) (inadequate recordkeeping).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by 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 paragraphs A, B, and/or C.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action after a disciplinary action was instituted 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 Petitioner charges:

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

DATED: *June 15*, 2001
Albany, New York


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

ORDER

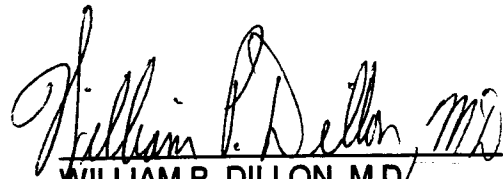
Upon the proposed agreement of **DANIEL DE LA PAVA, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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

ORDERED, that the name of the 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 facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 7/18, 2001


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