



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

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Michael A. Gonzalez, R.P.A.
Vice Chair

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

March 7, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

David Larkin, M.D.
3592 Thor Avenue
Los Alamitos, CA 90720-3696

RE: License No. 147004

Dear Dr. Larkin:

Enclosed please find Order #BPMC 03-59 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 7, 2003.

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

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

IN THE MATTER

OF

**DAVID LARKIN, M.D.
CO-02-11-5911-A**

SURRENDER

ORDER

BPMC No. 03-59

DAVID LARKIN, M.D., says:

On or about July 17, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 147004 by the New York State Education Department. I currently reside at 3592 Thor Avenue, Los Alamitos, CA 90720-3969.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York. My registration expires July 4, 2004.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification 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 one (1) specification 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.

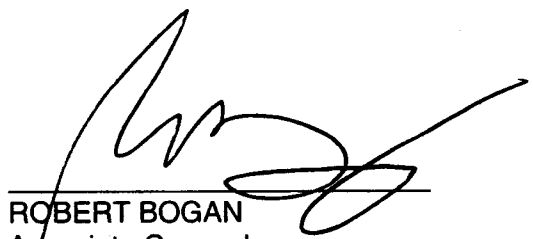
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 02/22, 2003



DAVID LARKIN, M.D.
Respondent

AGREED TO:

Date: 25 February, 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 05 MARCH, 2003


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
DAVID LARKIN, M.D.
CO-02-11-5911-A

STATEMENT
OF
CHARGES

DAVID LARKIN, M.D., the Respondent, was authorized to practice medicine in New York state on July 17, 1981, by the issuance of license number 147004 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 11, 2002, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision, (hereinafter "California Decision"), revoked Respondent's license to practice medicine, stayed the revocation, and placed him on ten (10) years probation with terms and conditions, to include ninety (90) days actual suspension, that he successfully complete a PACE Prescribing Practices Course and Record-Keeping Course and an Ethics course, and that he pay \$1,000.00 cost recovery, based on gross negligence, repeated negligence, incompetence, excessive diagnostic testing, dishonest and corrupt acts, incompetence, inadequate record keeping, and unprofessional conduct.

B. The conduct resulting in the California Board 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 (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 one occasion);
4. New York Education Law §6530 (6) (gross incompetence);

5. New York Education Law §6530 (32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or


6. New York Education Law §6530 (35) (ordering excessive tests not warranted by the condition of the patient).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action 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 and/or B.

DATED: *February 18*, 2003
Albany, New York


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

SUMMARY OF DEPARTMENT OF HEALTH HEARING RULES

(Pursuant to Section 301 SAPA)

The following items are addressed by the Uniform Hearing Procedures Rules of the New York State Department of Health:

Applicability

Definitions

Notice of Hearing

Adjournment

Answer or Responsive Pleading

Amendment of Pleadings

Service of Papers

Discovery

Hearing Officer/Pre-Hearing Conference

Pre-Hearing Conference

Stipulations and Consent Orders

The Hearing

Hearing Officer's Report

Exceptions

Final Determination and Order

Waiver of Rules

Time Frames

Disqualification for Bias

ORDER

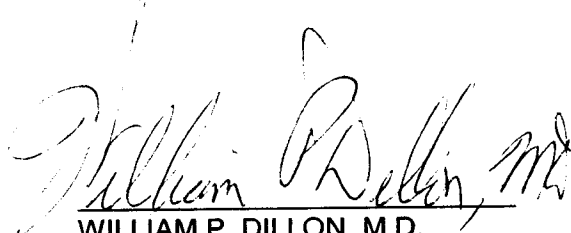
Upon the proposed agreement of **DAVID LARKIN, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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: 3/6, 2003


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