



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

November 6, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Juan Cabrera, RPA
Inmate #97A1663
Mohawk Correctional Facility
PO Box 8450
Rome, New York 13442-8450

RE: License No. 1003276

Dear Mr. Cabrera:

Enclosed please find Order #BPMC 97-267 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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: Amy Kulb, Esq.
Jacobson and Goldberg, LLP
585 Stewart Avenue
Garden City, New York 11530

Marcia E. Kaplan, Esq.

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

IN THE MATTER
OF
JUAN CABRERA, R.P.A.

SURRENDER
OF
LICENSE

BPMC #97-267

STATE OF NEW YORK)

COUNTY OF)

ss.:

JUAN CABRERA, R.P.A., being duly sworn, deposes and says:

On or about July 29, 1987, I was authorized to practice as a physician's assistant in the State of New York having been issued Registration no. 003276 by the New York State Education Department.

My current address is: Inmate No. 97A1663, Mohawk Correctional Facility, P.O. Box 8450, Rome, N.Y., 13442-8450 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 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 permission to surrender my license as a physician in the State of New York on the grounds that I admit the First 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.

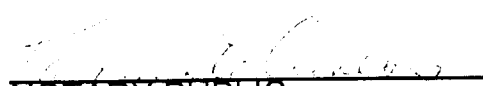
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing 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.



JUAN CABRERA, R.P.A.
RESPONDENT

Sworn to before me this

day of , 1997



NOTARY PUBLIC

KATHLEEN E. OWENS
Notary Public, State of New York
No. 91111
Qualified in County
My Commission Expires 12/31/99

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

Date: 10/14/01

Amy Kulb
AMY KULB, ESQ.
Attorney for Respondent

Date: 11/1/01

Marcia E. Kaplan
MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

Date: Oct Nov 28 1997

Anne F. 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
JUAN CABRERA ,R.P.A.

SURRENDER
ORDER

Upon the proposed agreement of JUAN CABRERA, R.P.A. (Respondent) to Surrender his registration as a physician's assistant 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 take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED.

DATED: 10/31/97


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
JUAN CABRERA, R.P.A.**

**STATEMENT
OF
CHARGES**

JUAN CABRERA, R.P.A., the Respondent, was authorized to practice medicine in New York State on or about July 29, 1987, by the issuance of license number 003276 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about November 25, 1996, in the Supreme Court of the State of New York, Kings County, Respondent was convicted after trial of:
1. Grand Larceny in the Second Degree (one count), a class C felony, in violation of N.Y. Penal Law Sec. 155.40, in that on or about and between December 1988 and December 1992 Respondent intentionally stole more than \$50,000 from New York State by submitting Medicaid claims for range of motion tests, bronchospasm evaluations, electrocardiograms, basic comprehensive audiometry, pulmonary function tests and other medical care and services for Medicaid patients which he knew had not been provided and which were paid to the Sutter Family Health Center; and
 2. Offering A False Instrument for Filing in the First Degree (eight counts), a class E felony, in violation of N.Y. Penal Law Sec. 175.35, in that on various dates on or about and between February 24, 1992 and October 26, 1992, Respondent submitted

Medicaid claims forms to Computer Sciences Corp, New York State's fiscal agent under the Medicaid Program, which he knew falsely stated that he had provided numerous medical services and supplies, including basic comprehensive audiometry, electrocardiograms, bronchospasm evaluation, spirometry and blood, skin and tuberculosis tests, in the diagnosis and treatment of various named Medicaid recipients, knowing that those claim forms would be filed with and become a part of the records of that office, with the intent to defraud the State into paying the Sutter Family Health Center for services which he had not provided; and

On or about February 14, 1997, Respondent was sentenced to incarceration in prison for two to six years on the Grand Larceny count and one to three years on each of the other counts, to run concurrently, and ordered to pay restitution of \$750,000.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

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. 1997) 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.

DATED: September 7, 1997
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct