

Public

STATE OF NEW YORK  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

DEPARTMENT OF HEALTH

IN THE MATTER

OF

JOSHUA D. SALVADOR, M.D.  
CO-06-02-1256-A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: JOSHUA D. SALVADOR, M.D.  
7234 W. North Avenue  
Elmwood Park, IL 60707

JOSHUA D. SALVADOR, M.D.  
7234 W. North Avenue  
Apt. 205  
Elmwood Park, IL 60707

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr.P.H., Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that **JOSHUA D. SALVADOR, M.D.**, Respondent, licensed to practice medicine in the State of New York as a physician on March 20, 1972, by license number 111922, has been disciplined by the Department of Financial Regulation and Professional Regulation, Division of Professional Regulation, the duly authorized professional disciplinary agency of the State of Illinois, for acts which if committed in this state would have constituted the basis for summary action.

It is therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately **JOSHUA D. SALVADOR, M.D.**, Respondent, shall not practice medicine as a physician in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine as a physician. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 17<sup>th</sup> day of January, 2007, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

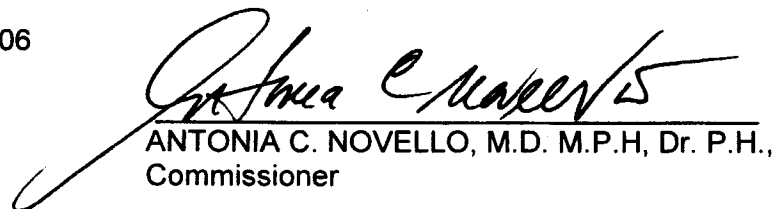
The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

*November 21, 2006*

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

**Inquires should be addressed to:**

**Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828**

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

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IN THE MATTER  
OF  
JOSHUA D. SALVADOR, M.D.  
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STATEMENT  
OF  
CHARGES

JOSHUA D. SALVADOR, M.D., Respondent, was authorized to practice medicine in New York state on March 20, 1972, by the issuance of license number 111922 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about November 10, 2004, the State of Illinois, Department of Financial and Professional Regulation, Division of Professional Regulation (hereinafter "Illinois Board"), by a Complaint (hereinafter "Illinois Complaint I"), charged Respondent with professional medical misconduct.

B. On or about January 19, 2005, the Illinois Board, by an Amended Complaint (hereinafter "Illinois Complaint II"), charged Respondent with professional medical misconduct.

C. On or about November 29, 2005, the Illinois Board, by an Administrative Law Judge's Report and Recommendation, (hereinafter "ALJR & R I"), recommended to the Illinois Board, that disciplinary action be taken against Respondent for professional medical misconduct set forth in Illinois Complaint II.

D. On or about December 7, 2005, the Illinois Board, by an Administrative Law Judge's Amended Report and Recommendation (hereinafter "ALJR & R II"), recommended to the Illinois Board, that disciplinary action be taken against Respondent for professional medical misconduct set forth in Illinois Complaint II.

E. On or about December 7, 2005, the Illinois Board, by a Findings and Fact, Conclusions of Law, and Recommendations to the Director (hereinafter "Illinois Recommendation"), adopted and incorporated the Findings of Fact contained in ALJR & R II and recommended to the Director of the Illinois Board, that Respondent's license to practice medicine be INDEFINITELY SUSPENDED for a minimum of ten (10) years, based on professional medical misconduct.

F. On or about December 16, 2005, Respondent prepared and submitted to the New York State, Education Department, a Registration Renewal Document, wherein he falsely answered "No" to question "2. Since your last registration application, d. Are charges pending against you in any jurisdiction for any sort of professional misconduct?"

G. On or about January 20, 2006, the Illinois Board by an Order (hereinafter "Illinois Order"), INDEFINITELY SUSPENDED FOR A MINIMUM OF TEN YEARS Respondent's license to practice medicine, based on gross negligence, and unethical and unprofessional conduct of a character likely to deceive or fraud or harm the public.

H. The conduct resulting in the Illinois 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); and/or
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).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, D, E, and/or F.

#### **SECOND 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:

2. The facts in Paragraphs G and/or H.

**THIRD SPECIFICATION**

Respondent violated New York State Education Law §6530 (9)(d) by having his license to practice medicine suspended and/or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension and/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:


3. The facts in Paragraphs G and/or H.

**FOURTH SPECIFICATION**

Respondent violated New York State Education Law §6530(21) by willfully making or filing a false report required by law or by the department of health or the education department, in that Petitioner charges:

4. The facts in Paragraphs A, B, C, D, E and/or F.

DATED: *Nov. 20*, 2006  
Albany, New York

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