



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Public

January 4, 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ramon Torres, M.D.

REDACTED

Ramon Torres, M.D.

REDACTED

Ramon Torres, M.D.

REDACTED

Christine Radman, Esq.
NYS Department of Health
90 Church Street - 4th Floor
New York, New York 10007

RE: In the Matter of Ramon Torres, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 08-03) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

REDACTED

James F. Horan, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

IN THE MATTER
OF
RAMON TORRES, M.D.

DETERMINATION
AND
ORDER
BPMC #08-03

ORIGINAL

John A. D'Anna, Jr., M.D., M. P. H.,(Chair), Steven Pinsky, M.D., and Henry Sikorski, Ph.D., 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. Christine C. Traskos Esq., Administrative Law Judge, ("ALJ") served as the Administrative Officer.

The Department of Health appeared by Christine M. Radman, Esq., Associate Counsel. Respondent, Ramon Torres, M.D. did not appear personally and was not represented by Counsel.

Evidence was received and examined. Transcripts of the proceeding were made. After consideration of the record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

Date of Notice of Hearing and
Statement of Charges:

October 23, 2007

Date of Service of Notice of Hearing and
Statement of Charges:

November 13, 2007 (see discussion below)

Date of Answer to Charges:	None submitted
Pre-Hearing Conference Held:	November 27, 2007
Date of Hearing :	December 4, 2007
Location of Hearing:	Offices of New York State Department of Health 90 Church St., 4 th Floor New York, NY 10007
Deliberations Date:	December 4, 2007
Transcript received:	December 7, 2007

On November 27, 2007, the ALJ held a Pre-Hearing Conference. Respondent did not appear at this Pre-Hearing and no Counsel appeared on his behalf. At that Pre-Hearing, the ALJ ruled that the service of the Notice of Hearing and Statement of Charges on Respondent was effected on November 13, 2007, and that the Board for Professional Medical Conduct had obtained jurisdiction over Respondent [P.H.T-8-19]¹; (Petitioner's Exhibit 1)²; (ALJ's Exhibit 1). Under the terms of the Consent Order signed by Respondent he was required to advise the Director of the Office of Professional Medical Conduct of any change of address. (Petitioner's Exhibit 3)

On December 3, 2007, the day before the hearing was to take place, the ALJ received a phone call from the Respondent requesting an adjournment for the reason that his counsel would be appearing in another court on the date and time of the scheduled hearing. The ALJ advised the Respondent that his attorney must submit an affidavit of actual engagement. This affidavit would

¹ Numbers in brackets refer to Hearing transcript page numbers [T-] or to Pre-Hearing transcript page numbers [P.H.T-].

² Refers to exhibits in evidence submitted by the New York State Department of Health (Petitioner's Exhibit #). No exhibits were submitted by Respondent. ALJ exhibits were not admitted in evidence and were not reviewed by the Hearing Committee but were made part of the record.

then be submitted to the Hearing Committee for their consideration on whether to grant the adjournment pursuant to PHL§ 230 (10) (f). A letter from an attorney, Mr. Agulnick was faxed to the ALJ's office stating only that the Respondent had to appear in criminal court on December 4, 2007. Mr. Agulnick further stated "I have been his lawyer in this matter." (ALJ Exhibit 2)

On the December 4, 2007 Hearing day, Respondent did not personally appear nor was he represented by Counsel. The request for an adjournment was presented to the Hearing Committee. They were advised by the ALJ that attorney Agulnick's letter did not qualify as an affidavit and that it does not affirmatively state that he is representing Respondent in the administrative licensing hearing. The Petitioner (Department) objected to any adjournment and they produced a letter from Mr. Agulnick, in which he advised that he does not represent Respondent in any administrative proceeding. (Petitioner's Exhibit 14). The Hearing Committee unanimously decided not to grant an adjournment noting that this request came at the eleventh hour and that Respondent had ample notice and time to request an adjournment as soon as he was aware of the schedule conflict. (T. 11-12)

At the onset of the Hearing, the Petitioner made a motion to have the charges deemed admitted based on Respondent's failure to file an answer. The Notice of Hearing (Department's Exhibit 1) at page 2 states:

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. (Underline in original)

Public Health Law §230(10)(c) clearly indicates that the failure to file a written answer will result in the charges and allegations being deemed admitted. Due to Respondent's failure to submit a written answer, the ALJ ruled that the factual allegations and charges of misconduct contained in the Statement of Charges (Department's Exhibit 1) were deemed admitted by Respondent [T-12-13]. See also Corseello v. New York State Department of Health, 300 A.D.2d 849, 752 N.Y.S.2d 156 (App. Div. 3rd Dep't. 12/19/2002).

STATEMENT OF CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York (§230 *et seq.* of the Public Health Law of the State of New York ["**P.H.L.**"]). This case was brought by the New York State Department of Health, Bureau of Professional Medical Conduct ("**Petitioner**" or "**Department**") pursuant to §230 of the P.H.L. Ramon Torres, M.D. ("**Respondent**") is charged with twelve (12) specifications of professional misconduct as set forth in §6530 of the Education Law of the State of New York ("**Education Law**"). At the Hearing, the Petitioner withdrew the Allegations in Paragraph D as well as the corresponding Ninth Specification.

Respondent is charged with professional misconduct by reason of: practicing medicine while his license is suspended or inactive, violating a term of probation or condition of limitation, unauthorized practice of medicine in violation of state law, practicing medicine while impaired, practicing medicine fraudulently and moral unfitness.

Respondent failed to submit an answer and therefore all the Factual Allegations and all the Specifications of Misconduct contained in the Statement of Charges are deemed admitted. A copy of the Notice of Hearing and the Statement of Charges is attached to this Determination and Order as Appendix 1.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record available to the Hearing Committee in this matter. These facts represent testimony and/or documentary evidence found persuasive by the Hearing Committee in arriving at a particular finding. The Petitioner, which has the burden of proof, was required to prove its case by a preponderance of the evidence. The Hearing Committee unanimously agreed on all Findings of Fact.

1. Respondent was authorized to practice medicine in New York State on February 13, 1986 by the issuance of license number 165437 by the New York State Education Department. Respondent's license to practice medicine is currently suspended, pursuant to Order BPMC No. 06-302 of the N.Y. State Board for Professional Medical Conduct. (Petitioner's Exhibits 1, 2 and 3); (fact also admitted pursuant to P.H.L. §230[10][c]).
2. The State Board for Professional Medical Conduct has obtained personal jurisdiction over Respondent (determination made by the ALJ); (P.H.L. §230[10][d]); (Petitioner's Exhibit 1); [P.H.T-8-19].
3. Respondent's New York State medical license was suspended effective December 28, 2006 pursuant to Order BPMC No. 06-302, which imposes the suspension for an indefinite period but no less than twelve months. According to the Order, Respondent may request thereafter that such suspension may be terminated, but only upon a satisfactory showing to the State Board for Professional Medical Conduct that Respondent is "no longer incapacitated for the practice as a physician." During a period beginning on or after December 28, 2006, the effective date of his license suspension, and continuing through August 1, 2007, Respondent engaged in activities, in the State of New York, which constitute the practice of medicine. These activities included, but are not limited to, the following:

A. Respondent rendered care and treatment to Patient D, Patient E and Patient F in his office at 464 West 23rd Street, New York, New York 10011. (Petitioner's Exhibits 1, 4 and 7); [T-20-32]; (fact also admitted pursuant to P.H.L. §230[10][c]).

B. Respondent submitted lab requisition forms to Quest Diagnostic Laboratory, whose corresponding reports were later sent to Respondent, for Patients D through Z and Patients A1 through Y1, (patient names and dates of service are found in Appendix A).(Petitioner's Exhibits 1 and 4); (fact also admitted pursuant to P.H.L. §230[10][c]).

C. Respondent wrote and/or called in prescriptions to New London Pharmacy, 248 8th Avenue, New York, N.Y., Duane Reade Pharmacy, 29-33 7th Avenue, New York, N.Y., and A. Goldberger's 1200 First Avenue, New York, N.Y., for Patients A through C, Patient G, Patient H, Patient N, Patient A1, Patient E1 and Patient Z1 (patient names and dates of service are found in Appendix A). (Petitioner's Exhibits 1, 5 and 6); (fact also admitted pursuant to P.H.L. §230[10][c]).

D. Respondent performed the actions in paragraphs 3A through 3C with intent to deceive. (Petitioner's Exhibits 1, 5 and 6)(fact admitted pursuant to P.H.L. §230[10][c]).

4. Sometime on or after February 14, 2007, Respondent knowingly and intentionally submitted a health insurance claim form for payment to CIGNA Healthcare for services rendered to Patient F on February 14, 2007. (Petitioner's Exhibits 1, 7, 8 and 9) (fact also admitted pursuant to P.H.L. §230[10][c]).

A. Respondent submitted the form with intent to deceive. (Petitioner's Exhibits 1, 7, 8 and 9); (fact also admitted pursuant to P.H.L. §230[10][c]).

5. Sometime on or after February 28, 2007, Respondent knowingly and intentionally submitted a health insurance claim form for payment to Aetna for services rendered to Patient E on February 28, 2007.(Petitioner's Exhibits 1 and 8); [T-20-26]; (fact also admitted pursuant to P.H.L. §230[10][c]).

A. Respondent submitted the form with intent to deceive. (Petitioner's Exhibits 1 and 8); [T-20-26]; (fact also admitted pursuant to P.H.L. §230[10][c]).

6. From a time unknown to the Department of Health , but beginning no later than March 28, 2001, until and including the present, Respondent has been impaired by a mental disability and /or has been dependent on or a habitual user of drugs, which conditions(s) impair(s) the Respondent's ability to practice medicine. (Petitioner's Exhibits 1, 3, 9 and 12); (fact also admitted pursuant to P.H.L. §230[10][c]).

A. Respondent has practiced medicine and/or continues to practice medicine while impaired. (Petitioner's Exhibits 1, 3, 9 and 12); (fact also admitted pursuant to P.H.L. §230[10][c]).

CONCLUSIONS OF LAW

The Hearing Committee makes the unanimous conclusion, pursuant to the Findings of Fact listed above, that all the Factual Allegations contained in the October 23, 2007 Statement of Charges are **SUSTAINED**.

Based on the above, the complete Findings of Fact and the discussion below, the Hearing Committee unanimously concludes that **ALL THE SPECIFICATIONS OF MISCONDUCT** contained in the Statement of Charges are **SUSTAINED**.

The rationale for the Hearing Committee's conclusions is set forth below.

DISCUSSION

Respondent is charged with eleven (11) specifications alleging professional misconduct within the meaning of §6530 of the Education Law. The Hearing Committee determined that all of the allegations and all of the charges contained in the Statement of Charges were established by a preponderance of the evidence.

Respondent did not appear at the Hearing, either in person or by counsel. His failure to file

an answer to the Statement of Charges that were properly served upon him, resulted in the admission of the allegations and charges of misconduct outlined in the Notice of Hearing. The Hearing Committee notes that Respondent was not new to the disciplinary process. By terms of his 2006 Consent Order, he was required to cooperate with OPMC with respect to compliance issues or investigations of matters concerning Respondent. (Petitioner's Exhibit 3, p. 6) The Hearing Committee concludes that Respondent chose to ignore the Notice of Hearing until his eleventh hour unsuccessful attempt to seek an adjournment.

In addition to the fact that the allegations are deemed admitted, the Hearing Committee concludes that the documentary evidence and the credible testimony of Patients D and E presented by the Department sustains the allegations independently.

The Hearing Committee believes that Respondent continues to suffer from the chemical dependency issues outlined in the 2006 Marworth psychiatric consultation. (Petitioner's Exhibit 12) They conclude that there is compelling and overwhelming evidence that Respondent not only practiced medicine in the past year without a license but that he practiced medicine while impaired.

DETERMINATION AS TO PENALTY

After a full and complete review of all of the evidence presented and pursuant to the Findings of Fact, Conclusions of Law and Discussion set forth above, a unanimous Hearing Committee determines that Respondent's license to practice medicine in the State of New York shall be revoked. This determination is reached after due and careful consideration of the full spectrum of penalties available pursuant to P.H.L. §230-a, including revocation, suspension, and/or probation, censure and reprimand, the imposition of monetary penalties and dismissal in the interests of justice.

Since Respondent did not appear at the Hearing, the record contains no evidence of mitigating circumstances, rehabilitation or remorse by Respondent. Respondent was given one last opportunity by OPMC to get his license back and he has failed. Instead he chose to practice medicine after he mailed in his license to OPMC. These actions are not only illegal they are immoral and they place patients at grave risk. The Hearing Committee concurs with the Marworth evaluation that Respondent is "unable to safely practice medicine at the current time for reasons of chemical dependency." (Petitioner's Exhibit 12, p. 11 of report)


Under the totality of the circumstances, the Hearing Committee concludes that this penalty is commensurate with the level and nature of Respondent's professional misconduct.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The **FIRST** through **EIGHTH** and the **TENTH** through **TWELFTH** **SPECIFICATIONS** contained in the Statement of Charges (Petitioner's Exhibit1) are **SUSTAINED**; and
2. The Ninth Specification has been **WITHDRAWN**; and
3. Respondent's license to practice medicine in the State of New York is hereby **REVOKED**; and
4. This Order shall be effective on personal service on the Respondent or 7 days after the date of mailing of a copy to Respondent by certified mail or as provided by P.H.L. §230(10)(h).

DATED: New York, New York

 3, 2008

REDACTED

JOHN A. D'ANNA JR., M.D. M.P.H., (Chair)
STEVEN PINSKY, M.D.
HENRY SIKORSKI, PH.D

Ramon Torres, M.D.
REDACTED

Ramon Torres, M.D.

REDACTED

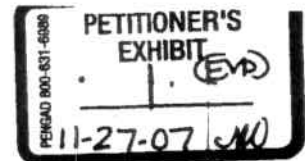
Ramon Torres, M.D.
REDACTED

Christine Radman, Esq.
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
90 Church Street- 4th Fl.
New York, NY 10007

APPENDIX 1

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

IN THE MATTER
OF
RAMON TORRES, M.D.



NOTICE
OF
HEARING

TO: RAMON TORRES
REDACTED

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. 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 December 4, 2007, at 10:00 a.m., at the Offices of the New York State Department of Health, 90 Church Street, N.Y., N.Y. 10007, and at such other adjourned dates, times and places as the committee may direct.

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. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone 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. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (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.

Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. 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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

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 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 OUT IN NEW
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS
MATTER.

DATED: New York, New York
October 23, 2007

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Christine M. Radman
Associate Counsel
Bureau of Professional Medical Conduct
90 Church Street
4th Floor
New York, N.Y. 10007
(212) 417-4450

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

IN THE MATTER
OF
RAMON TORRES, M.D.

STATEMENT
OF
CHARGES

RAMON TORRES, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 13, 1986, by the issuance of license number 165437 by the New York State Education Department. His license to practice medicine is currently suspended, pursuant to Order #BPMC 06-302 of the N.Y. State Board for Professional Medical Conduct.

FACTUAL ALLEGATIONS

- A. Respondent's New York State medical license was suspended effective December 28, 2006 pursuant to Order #BPMC 06-302, which imposes the suspension for an indefinite period but no less than twelve months. According to the Order, Respondent may request thereafter that such suspension be terminated, but only upon a satisfactory showing to the State Board for Professional Medical Conduct that Respondent is "no longer incapacitated for the practice as a physician." During a period beginning on or after December 28, 2006, the effective date of his license suspension, and continuing through August 1, 2007, Respondent engaged in activities, in the State of New York, which constitute the practice of medicine. These activities include, but are not limited to, the following:
1. Respondent rendered care and treatment to Patient D, Patient E and Patient F in his office at 464 West 23rd Street, New York, New York 10011.
 2. Respondent submitted lab requisition forms to Quest Diagnostic Laboratory, whose corresponding reports were later sent to

Respondent, for Patients D through Z and Patients A1 through Y1, (patient names and dates of service are found in Appendix A).

3. Respondent wrote and/or called in prescriptions to New London Pharmacy, 246 8th Avenue, N.Y., N.Y., Duane Reade Pharmacy, 29-33 7th Avenue, N.Y., N.Y., and A. Goldberger's, 1200 First Avenue, N.Y., N.Y., for Patients A through C, Patient G, Patient H, Patient N, Patient A1, Patient E1 and Patient Z1 (patient names and dates of service are found in Appendix A).
 4. Respondent performed the actions in paragraphs A1 through A3 with intent to deceive.
- B. Sometime on or after February 14, 2007, Respondent knowingly and intentionally submitted a health insurance claim form for payment to CIGNA Healthcare for services rendered to Patient F on February 14, 2007.
1. Respondent submitted the form with intent to deceive.
- C. Sometime on or after February 28, 2007, Respondent knowingly and intentionally submitted a health insurance claim form for payment to Aetna for services rendered to Patient E on February 28, 2007.
1. Respondent submitted the form with intent to deceive.
- D. Beginning sometime in February of 2007 through August 18, 2007, Patient A1 made repeated requests for his medical records to Respondent at 420 West 23rd Street, N.Y., N.Y. 10011 by mail, electronic mail and telephone. Respondent failed to contact Patient A1 and provide such records.
- E. From a time unknown to the Department of Health, but beginning no later than March 28, 2001, until and including the present, Respondent has been impaired by a mental disability and/or has been dependent on or a habitual user of drugs, which condition(s) impair(s) the Respondent's ability to

Withdrawn
by Dept
12/4/07
CCF

practice medicine.

1. Respondent has practiced medicine and/or continues to practice medicine while impaired.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WHILE LICENSE SUSPENDED OR INACTIVE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(12) by practicing the profession while the license is suspended as alleged in the facts of:

1. Paragraphs A, A1, A2 and A3.

SECOND SPECIFICATION

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the facts of the following:

2. Paragraphs A, A1, A2 and A3.

THIRD SPECIFICATION

FAILURE TO COMPLY WITH STATE LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(16) by willfully or grossly negligently failing to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine, by violating N.Y. Educ. Law § 6512(1) which makes unauthorized practice of medicine a felony, as alleged in the facts of:

3. Paragraphs A, A1, A2 and A3.

FOURTH SPECIFICATION
BEING AN HABITUAL USER OR HAVING A
PSYCHIATRIC CONDITION WHICH IMPAIRS
THE ABILITY TO PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(8) by being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, or having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

4. Paragraph E.

FIFTH SPECIFICATION
PRACTICING WHILE IMPAIRED

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(7) by practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability as alleged in the facts of the following:

5. Paragraph E and E1.

SIXTH, SEVENTH AND EIGHTH SPECIFICATIONS
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

6. Paragraph A and each of its subparagraphs.
7. Paragraphs B and B1.
8. Paragraphs C and C1.

~~NINTH SPECIFICATION~~
FAILURE TO MAKE DOCUMENTS AVAILABLE TO A PATIENT

*Withdrawn by
H. Fromer, esq.
12/4/07
CBV*

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(22) by failing to make available to a patient, upon request, copies of medical records in the possession or under the control of the licensee, as alleged in the facts of:

9. Paragraph D.

TENTH, ELEVENTH AND TWELFTH SPECIFICATIONS
MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

10. Paragraph A and each of its subparagraphs.
11. Paragraph B and each of its subparagraphs.
12. Paragraph C and each of its subparagraphs.

DATE: October 23, 2007
 New York, New York

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct

AFFIDAVIT OF ATTEMPTED
SERVICE OF
NOTICE OF HEARING, STATEMENT OF
CHARGES: UNIFORM PROCEDURE

NEW YORK STATE DEPARTMENT OF HEALTH

PLAINTIFF
~~XXXXXXXXXX~~

IN RE: RAMON TORRES

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

STATE OF NEW YORK)
COUNTY OF NEW YORK)

GEORGE RUSH being duly sworn, deposes and says that deponent is not a party to this action, is over the age of 18 years and resides in the State of New York.

That on the 6th day of November, 2007~~2005~~, deponent attempted to serve the within Notice of Hearing, Statement of Charges, Uniform Procedure in the above entitled action upon RAMON TORRES the defendant at 420 W. 23rd Street lowerLevel, New York, New York.

On Calling There:

- On November 5, 2007 at about 8:00 PM
- On November 6, 2007 at about 8:00AM
- On November 6, 2007 at about 3:15 PM

On the dates and times above stated, deponent attempted to serve the Notice of Hearing, Statement of Charges, Uniform Procedure upon RAMON TORRES at 420 W. 23rd Street, New York, New York, lower level, but deponent was advised by the doorman that he had not seen RAMON TORRES M.D., for at least six weeks.

Sworn to before me this 8th day of November, 2007~~2005~~zxx

REDACTED

REDACTED

GEORGE RUSH 791 734

SANDRA PARRON
Notary Public, State of New York
No. #18247424
Qualified in Nassau County, 2006
Commission Expires Sept. 30, 2008

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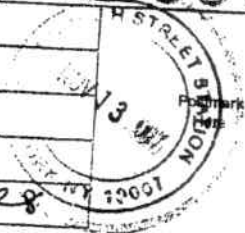
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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	6.28



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Ramon Torres, M.D.
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