

Public

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

BPMC No. 14-179

IN THE MATTER  
OF  
IVAN DARIO BARAQUE, M.D.  
[REDACTED]

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: Ivan Dario Baraque, M.D.

Ivan Dario Baraque, M.D.

[REDACTED]  
REDACTED

The undersigned, Howard A. Zucker, M.D., J.D., Acting Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **IVAN DARIO BARAQUE, M.D.**, Respondent, licensed to practice medicine in New York State on January 28, 1985, by license number 161270, has been found guilty of committing an act constituting a felony under federal law; as is more fully set forth in the Statement of Charges attached hereto, and made a part hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **IVAN DARIO BARAQUE, M.D.**, shall not practice medicine 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.

**ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED BY NEW YORK EDUCATION LAW §6512.**

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 18<sup>th</sup> day of September, 2014, at 10:30 a.m., at Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct.

Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health no later than ten days prior to the hearing. Any charge and allegation not answered shall be deemed admitted. Respondent may wish to seek the advice of counsel prior to filing such answer.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. 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. The licensee may file a brief and affidavits with the Committee on Professional Conduct. 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 Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, 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, Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, 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

July 15, 2014

REDACTED

Howard A. Zucker, M.D., J.D.  
Acting Commissioner of Health  
New York State Department of Health

Inquiries should be addressed to:

David W. Quist  
Associate Attorney  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

IN THE MATTER  
OF  
IVAN DARIO BARAQUE, M.D.

STATEMENT  
OF  
CHARGES

IVAN DARIO BARAQUE, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 28, 1985, by the issuance of license number 161270 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 23, 2012, in the United States District Court for the Southern District of New York, Respondent was sentenced to thirteen months' imprisonment, to be followed by three years of supervised release, subject to various terms and conditions. Respondent was also directed to pay criminal monetary penalties in the amount of approximately \$100 as an assessment, and an additional amount of approximately \$70,000 in restitution. The sentence was based on a prior guilty plea to Count 1 of a Superseding Indictment in case S5 10 Cr. 821 (JGK) (also referred to as S5 1:10CR00821-003 (JGK) in the sentencing document). Count 1 consisted of conspiracy to commit mail fraud and health care fraud under 18 USC section 1349, a felony offense under federal law.

**SPECIFICATION OF CHARGES**  
**CRIMINAL CONVICTION (Federal)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

- I. The facts in Paragraph A.

DATE: <sup>July</sup> ~~June~~ 15, 2014  
Albany, New York

REDACTED

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Michael A. Hiser, Esq.  
Deputy Counsel  
Bureau of Professional Medical Conduct