



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

February 1, 1991

Joao DeLima, Physician  
63 East 9th Street  
New York, N.Y. 10003

Re: License No. 097460

Dear Dr. DeLima:

Enclosed please find Commissioner's Order No. 11003. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

GUSTAVE MARTINE  
Supervisor

DJK/GM/er  
Enclosures

CERTIFIED MAIL- RRR

cc: Martin Paul Solomon, Esq.  
286 Fifth Avenue  
New York, N.Y. 10001

**RECEIVED**

FEB 06 1991  
91034-200-0  
Office of Professional  
Medical Conduct

**REPORT OF THE  
REGENTS REVIEW COMMITTEE**

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**JOAO DeLIMA**

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**CALENDAR NO. 11003**



# The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

JOAO DeLIMA

No. 11003

who is currently licensed to practice  
as a physician in the State of New York.

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## REPORT OF THE REGENTS REVIEW COMMITTEE

JOAO DeLIMA, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On October 22, 1990, the scheduled date of our hearing, respondent appeared before us in person and was represented by his attorney, Martin Paul Solomon, Esq. Dianne Abeloff, Esq., represented the Department of Health.

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for five years, stayed.

Respondent's written recommendation as to the penalty to be imposed, should respondent be found guilty, was no penalty.

We have reviewed the record in this matter; and our unanimous

JOAO DeLIMA (11003)

findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

**FINDINGS OF FACT**

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges and the record herein.

**DETERMINATION AS TO GUILT**

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit "A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE  
PENALTY TO BE IMPOSED**

Respondent's license to practice as a physician in the State of New York be suspended for five years upon the charge of which respondent has been found guilty, and that execution of said suspension be stayed.

Respectfully submitted,

LAURA BRADLEY CHODOS

HERBERT BERNETTE EVANS

SIMON J. LIEBOWITZ

  
Chairperson

Dated: 11/15/90

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
Joao DeLima, M.D. : CHARGES  
-----X

Joao DeLima, M.D., the Respondent, was authorized to practice medicine in New York State on September 20, 1966 by the issuance of license number 097460 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 from 63 East 9th Street, New York, New York.

FIRST SPECIFICATION

CONVICTION OF A CRIME

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509 (5)(a)(i) (McKinney 1985), in that he was convicted of committing an act constituting a crime under New York State law, specifically:

On January 23, 1989, Respondent was convicted upon his plea of guilty to an E felony, offering a false instrument for filing in the first degree in that; Respondent submitted a bill to Medicaid for services which he never

EXHIBIT "A"

rendered. Respondent was sentenced to five  
years probation and ordered to make  
restitution in the amount of \$25,313.

DATED: New York, New York

May 23, 1990



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Chris Stern Hyman  
Counsel  
Bureau of Professional Medical  
Conduct

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**JOAO DeLIMA**

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**CALENDAR NO. 11003**



# The University of the State of New York

IN THE MATTER

OF

JOAO DeLIMA  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 11003

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Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 11003, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED** (January 23, 1991): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of JOAO DeLIMA, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be suspended for five years upon the charge of which respondent has been found guilty; that execution of said suspension be stayed; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

**ORDERED** that this order shall take effect as of the date of



JOAO DeLIMA (11003)

the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 31<sup>st</sup> day of

*January* 1991.

*Thomas Sobol*

Commissioner of Education