



*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

April 16, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Joseph V. Battista, M.D.  
2306 Monument Avenue  
Richmond, Virginia 23220-2604

RE: License No. 104371

Dear Dr. Battista:

Enclosed please find Order #BPMC 98-62 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **April 23, 1998**.

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: Valerie B. Donovan, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
JOSEPH V. BATTISTA, JR., M.D. : BMC # 98-62  
:  
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JOSEPH V. BATTISTA, JR., M.D., says:

On or about August 4, 1969, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 104371 by the New York State Education Department.

My current address is 2306 Monument Avenue, Richmond, Virginia 23220-2604 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and one specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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 agrees with my proposal, this 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 agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

Joseph V. Battista, Jr.  
JOSEPH V. BATTISTA, JR., M.D.  
Respondent  
3/27/98

AGREED TO:

~~Date: 3/30, 1998~~  
~~\_\_\_\_\_, Esq.  
Attorney for Respondent~~

Date: 3/30, 1998  
Valerie B. Donovan  
VALERIE B. DONOVAN  
Attorney  
Bureau of Professional  
Medical Conduct

Date: 4/2, 1998  
Anne F. Saile  
ANNE F. SAILE  
Director, Office of  
Professional Medical Conduct

ORDER

Upon the proposed agreement of JOSEPH V. BATTISTA, JR., M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement 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.

DATED: Apr. 5, 1998

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.  
Chair  
State Board for Professional  
Medical Conduct

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

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IN THE MATTER : STATEMENT  
OF : OF  
JOSEPH V. BATTISTA, JR., M.D. : CHARGES

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JOSEPH V. BATTISTA, JR., M.D., the Respondent, was authorized to practice medicine in New York State on August 4, 1969 by the issuance of license number 104371 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

A. By Order of the Virginia Board of Medicine dated May 30, 1996, Respondent was placed on indefinite probation, was required to have a chaperone present during the physical examination of patients, was to complete fifteen hours of CME, and continue in psychotherapy. The Board held that Respondent violated Virginia Code §§ 54.1-2915.A(3) [unprofessional conduct] and 54.1-2914.A(9) [conduct of practice in unethical manner]. On July 8, 1997, the Board Ordered that the probation imposed upon Respondent be terminated.

B. More specifically, in the May 30, 1996 Order, the Board found that Respondent engaged in a sexual relationship with a patient, was placed on probation by his practice partners,

sexually abused another patient, was assessed by his psychiatrist and diagnosed adjustment disorder with depressed mood, and had engaged in psychotherapy for treatment of dysthymia.

C. The conduct which Respondent was disciplined for in Virginia would, if committed in New York State, constitute professional misconduct, namely: conduct in the practice of medicine which evidences moral unfitness, N.Y. Educ. Law § 6530(20).

SPECIFICATION OF MISCONDUCT

FIRST SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(d) in that he had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the law of New York State, in that Petitioner charges:

1. The facts in paragraphs A, B and C.

DATED: *March 30*, 1998  
Albany, New York

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