



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen  
*Executive Deputy Commissioner*

February 2, 1999

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Bradley C. Mohr, Esq.  
NYS Department of Health  
Corning Tower Room 2509  
Empire State Plaza  
Albany, NY 12237

Michael J. Vavonese, Esq.  
Rossi & Vavonese  
108 West Jefferson Street – Suite 500  
Syracuse, NY 13202

Raul Aude, M.D.  
33 William Street – Suite 5  
Auburn, NY 13021

**RE: In the Matter of Raul Aude, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 98-266) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T" and a long horizontal stroke at the end.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mla

Enclosure

**STATE OF NEW YORK : DEPARTMENT OF HEALTH (Petitioner)**

**In The Matter Of**

**Raul Aude, M.D. (Respondent)**

**Administrative  
Review Board (ARB)  
Dismissal Order  
98-266**

**Proceeding to review a Determination by a Hearing Committee (Committee)  
from the Board for Professional Medical Conduct (BPMC)**

**Before Board Members : Briber, Grossman & Price<sup>1</sup>.  
Administrative Law Judge James F. Horan served as the Board's Administrative Officer.**

In this case, we dismiss the Respondent's Review Notice, due to the Respondent's failure to perfect the Notice pursuant to the procedures under N. Y. Pub. Health Law § 230-c (McKinney Supp. 1998)

After conducting a hearing pursuant to N.Y. Pub. Health Law § 230(10)(McKinney's Supp. 1998), a BPMC Committee sustained charges that the Respondent violated N. Y. Educ. Law §6530 (McKinney Supp. 1998) by practicing medicine with gross and repeated negligence and incompetence and by violating statutory and regulatory restrictions on prescribing controlled substances. The Committee voted to revoke the Respondent's License to practice medicine in New York State. The Respondent then filed a Notice requesting that the ARB review the Committee Determination under N.Y. Pub. Health Law § 230-c (McKinney's Supp. 1998). That statute provides that the party requesting the review must perfect their Review Notice by submitting a brief to the ARB thirty days after filing the Review Notice.

The ARB received the Respondent's Notice on December 3, 1998, meaning that the Respondent had to submit a brief by January 4, 1999 to perfect his Notice. The Respondent failed to file a brief by January 4, 1999, has filed no brief since and has received no extension in filing from the ARB. On January 13, 1999, the Administrative Officer for the ARB contacted the Respondent's counsel by letter to inquire whether the Respondent had decided against pursuing

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<sup>1</sup> ARB Member Therese Lynch recused herself from participating in this case. ARB Member Sumner Shapiro was unable to participate in this case. The ARB proceeded to issue this Order with a three member quorum, see Matter of Wolkoff v. Chassin, 89 N.Y.2d 250(1996).

the Review. The Respondent's counsel has failed to answer that letter, by the date we rendered this Order.

The ARB votes unanimously, therefore, to dismiss the Respondent's Review Notice and to sustain the Committee's Determination.

**ORDER**

**NOW**, based upon this Determination, the Review Board renders the following **ORDER**:

1. The ARB **SUSTAINS** the Committee's Determination.
2. The ARB **DISMISSES** the Respondent's Review Notice.

**Robert M. Briber**

**Winston S. Price, M.D.**

**Stanley L. Grossman, M.D.**

**In The Matter Of Raul Aude, M.D.**

**Winston S. Price, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Aude.

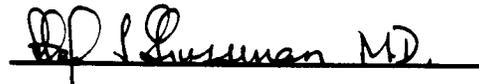
Dated: JAN 29, 1999

  
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**Winston S. Price, M.D.**

**In The Matter Of Raul Aude, M.D.**

**Stanley L. Grossman, M.D.**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Aude.

Dated ~~January~~ January 29, 1999

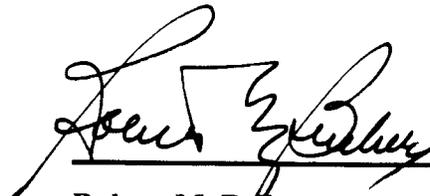
Handwritten signature of Stanley L. Grossman, M.D. in cursive script, written over a horizontal line.

**Stanley L. Grossman, M.D.**

**In The Matter Of Raul Aude, M.D.**

**Robert M. Briber**, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Aude.

Dated: Jan 29, 1998

  
**Robert M. Briber**