



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

June 13, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Kevin C. Roe, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2509
Albany, New York 12237

Daniel T. Roach, Esq.
Roach, Brown, McCarthy & Gruber, P.C.
1620 Liberty Bank Building
420 Main Street
Buffalo, New York 14202-3616

Mathew K. Alukal, M.D.
8282 Old Post Road, East
East Amherst, New York 14051

RE: In the Matter of Mathew K. Alukal, M.D. REISSUED VERSION

Dear Parties:

Enclosed please find the revised Determination and Order (No. 02-40) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

In the Matter of

Mathew K. Alukal, M.D. (Respondent)

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

Administrative Review Board (ARB)

Dismissal Order No. 02-40

COPY

**Before ARB Members Grossman, Lynch, Pellman, Price and Briber
Administrative Law Judge James F. Horan drafted the Determination**

After conducting a hearing pursuant to N.Y. Pub. Health Law § 230(10)(e)(McKinney's 2002), a BPMC Committee sustained charges that the Respondent violated N. Y. Educ. Law §§ 6530(2-6), 6530(20) & 6530(31)(McKinney Supp. 2002) by committing professional misconduct. The Committee voted to revoke Respondent's Medical License. The Respondent then filed a Notice requesting that the ARB review the Committee Determination under N.Y. Pub. Health Law § 230-c (McKinney's 2002). That statute provides that the party requesting the review must perfect their review notice by submitting a brief to the ARB, with a copy to opposing counsel, thirty days after filing the Review Notice. The ARB holds that the Respondent has failed to file a timely brief in this proceeding and we dismiss the Respondent's Notice.

The ARB received the Respondent's Notice on or about February 11, 2002, meaning that the Respondent had to submit a brief by March 13, 2002 to perfect their Notice. The Respondent failed to file a brief by March 13, 2002, has filed no brief since and has received no extension in filing from the ARB.

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 Petitioner's Review Notice.

Robert M. Briber
Thea Graves Pellman
Winston S. Price, M.D.
Stanley L. Grossman, M.D.
Therese G. Lynch, M.D.