



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

May 7, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jose F. Dimayuga, M.D.
320 N. Clyde Morris Blvd.
Daytona Beach, FL 32114

RE: License No. 145755

Dear Dr. Dimayuga:

Enclosed please find Order #BPMC 01-109 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 7, 2001**.

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 to 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: Paul A. Nugent, Esq.
First Stanford Tower
312 W. First Street, Suite 600
Sanford, FL 32771

Robert Bogan, Esq.

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

IN THE MATTER

OF

**JOSE E. DIMAYUGA, M.D.
CO-00-11-5017-A**

SURRENDER

ORDER

BPMC No. 01-109

JOSE E. DIMAYUGA, M.D., says:

On or about April 10, 1981, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 145755 by the New York State Education Department. I currently reside at 320 North Clyde Morris Boulevard, Daytona Beach, FL 32114.

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 the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in New York state since 1981, and I do not intend to return to practice medicine in New York state in the future. I, am, therefore, 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 Factual Allegations A and B (1) and (3) and the one (1) specification set forth in the Statement of Charges (Exhibit A).

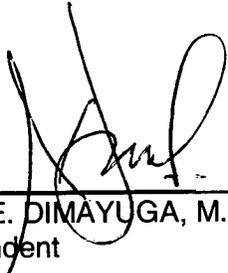
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind of manner.

Date: 4/12/, 2001



JOSE E. DIMAYUGA, M.D.
Respondent

AGREED TO:

Date: 4/10, 2001



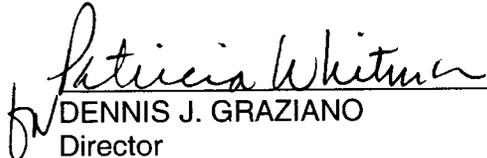
PAUL NUGENT, ESQ.
Attorney for the Respondent

Date: 18 April, 2001



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 4/25, 2001



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

Exhibit A

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

IN THE MATTER
OF
JOSE E. DIMAYUGA, M.D.
CO-00-11-5017-A

STATEMENT
OF
CHARGES

JOSE E. DIMAYUGA, M.D., the Respondent, was authorized to practice medicine in New York state on April 10, 1981, by the issuance of license number 145755 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 5, 2000, the State of Florida, Board of Medicine, (hereinafter, "Florida Board"), by a Final Order (hereinafter "Florida Order"), REPRIMANDED Respondent, required him to complete ten (10) hours of CME, to complete the University of Florida CORES course, fined him \$5,000.00, and required him to pay \$1335.46 costs, based on his failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances, in that he repeatedly failed to respond when called to address needs of a patient in his care.

B. The conduct resulting in the Florida Board's disciplinary action against Respondent would misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or

5. New York Education Law §6530(30) (abandoning or neglecting a patient in need of immediate professional care).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *February 27*, 2000
Albany, New York


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

ORDER

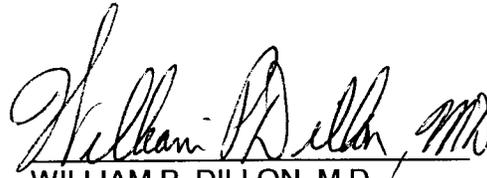
Upon the proposed agreement of **JOSE E. DIMAYUGA, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 5/04/01, 2001



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct