



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 4, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Paul Rober Maher, Esq.
& Robert Bogan, Esq.
NYS Department of Health
Hedley Park Place – 4th Floor
Troy, New York 12180

Teresita M. Floro, M.D.
802 South Washington Avenue
St. Peter, MN 56082

RE: In the Matter of Teresita M. Floro, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 01-138) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the 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 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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's
Determination and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyfone T. Butler". The signature is written in a cursive style with a large initial 'T'.

Tyfone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

COPY

DETERMINATION

AND

ORDER

BPMC #01-138

IN THE MATTER
OF
TERESITA M. FLORO, M.D.

A Notice of Referral Proceeding and a Statement of Charges, both dated March 16, 2001, were served upon the Respondent, **Teresita M. Floro, M.D.** **David Harris, M.D., M.P.H.**, Chairperson, **Roger Oskvig, M.D.**, and **Ms. Jean Krym**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on May 17, 2001, at the offices of the New York State Department of Health ("the Petitioner"). The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Robert Bogan, Esq.**, and **Paul Robert Maher, Esq.**, of Counsel. The Respondent appeared in person on her own behalf.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with

misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Teresita M. Floro, M.D.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Teresita M. Floro, M.D., the Respondent, was authorized to practice medicine in New York State on July 5, 1989, by the issuance of license number 179009 by the New York State Education Department (Petitioner's Ex. 4).

2. On September 9, 2000, the Minnesota Board of Medical Practice ("the Minnesota Board"), by a Stipulation and Order ("the Minnesota Order"), suspended the Respondent's license to practice medicine, imposed conditions for termination of that suspension and the resumption of practice, and imposed a \$4000.00 civil penalty. These

actions were based on findings of psychological illness and inadequacies in the Respondent's medical skills, medical record keeping and communication skills. (Petitioner's Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State pursuant to:

- New York State Education Law Section 6530(5) (incompetence on more than one occasion);
- New York State Education Law Section 6530(7) (practicing the profession while impaired by drugs or a mental disorder);
- New York State Education Law Section 6530(8) (having a psychiatric condition which impaired the licensee's ability to practice); and
- New York State Education Law Section 6530(32) (failure to maintain accurate records).

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having her license to practice medicine suspended or having other 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 suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case indicates that on September 9, 2000, the Respondent and the Minnesota Board settled a disciplinary case against the Respondent. The terms of that settlement are found in Petitioner's Exhibit 5, the Minnesota Order. The action was based on the Respondent's mental illness; her practice of self-medicating the mental illness with psychotropic medications; her disclosure to patients that she had a mental illness; inadequacies in medical knowledge, particularly in cardiovascular disease, nephrology and rheumatology; inadequacies in taking patient histories, formulating differential diagnoses and designing diagnostic evaluations; inadequacies in medical record keeping; and communication difficulties. The Minnesota Order suspended the Respondent's license to practice medicine in Minnesota and imposed several requirements with which the Respondent had to comply before reinstatement of her license would be considered.

The Hearing Committee was of the opinion that the Respondent's problems and inadequacies that led to the Minnesota Order were numerous and serious, and that, during the hearing, the Respondent appeared not to understand the seriousness of her problems and inadequacies. The Hearing Committee also was of the opinion that the Respondent had not done enough since the issuance of the Minnesota Order to correct these problems and inadequacies. Although she has taken courses to improve her communications skills and has participated in psychotherapy, she has done very little to

improve her medical skills in the areas that were found to be inadequate (cardiovascular disease, nephrology, rheumatology, history-taking, formulating differential diagnoses, diagnostic evaluation, record keeping). In her testimony, the Respondent appeared to be unconcerned about this, expressing the opinion that the psychotherapy and the course she took to improve her communication skills were an adequate response to her problems and inadequacies as of this point in time. In her opinion, improving her medical skills and knowledge could wait until some undetermined time in the future.

The Hearing Committee also was concerned about the fact that the Respondent had violated a requirement of the Minnesota Order. The Minnesota Order requires weekly psychotherapy which must continue until the Complaint Review Committee of the Minnesota Board gives its permission for termination. The Respondent testified that after somewhat more than three months of weekly psychotherapy, she terminated the sessions without notice to or approval from the Complaint Review Committee. In that testimony, she showed no recognition of the fact that she had done anything in violation of the Minnesota Order, despite repeated questioning on the subject.

The Hearing Committee concludes that a revocation of the Respondent's license to practice medicine is the only remedy satisfactory to protect the health and safety of New York State residents. The seriousness and number of the Respondent's problems and inadequacies plus her absence of sufficient concern and understanding of what constitutes an adequate response to her situation render any lesser remedy inadequate.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent's license to practice medicine in New York State is revoked.

2. This Order shall be effective upon service on the Respondent by personal service or by certified or registered mail.

DATED: Coral Spring Harbor, New York
May 31, 2001



David Harris, M.D., M.P.H.
Chairperson

Roger Oskvig, M.D.
Jean Krym

APPENDIX I

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

IN THE MATTER

OF

TERESITA M. FLORO, M.D.
CO-00-11-4984-A

NOTICE OF
REFERRAL
PROCEEDING

TO: TERESITA M. FLORO, M.D.
802 South Washington Avenue
St. Peter, MN 56082

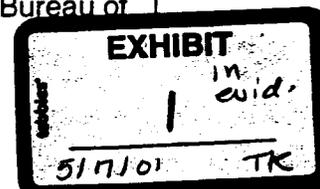
PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18th day of April 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of



Adjudication”) as well as the Department of Health attorney indicated below, on or before April 9, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before April 9, 2001, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

March 16, 2001



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

IN THE MATTER
OF
TERESITA FLORO, M.D.
CO-00-11-4984-A

STATEMENT
OF
CHARGES

TERESITA FLORO, M.D., the Respondent, was authorized to practice medicine in New York state on July 5, 1989, by the issuance of license number 179009 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 9, 2000, the Minnesota Board of Medical Practice (hereinafter "Minnesota Board"), by a Stipulation and Order (hereinafter "Minnesota Order"), SUSPENDED Respondent's license to practice medicine and surgery, imposed conditions, and imposed a \$4,000.00 civil penalty, based on personal psychological issues, medical knowledge, organizational skills in history-taking, formulation of differential diagnosis, design of diagnostic evaluation, physician-patient communication skills, and consistency in documentation.

B. The conduct resulting in the Minnesota Board's disciplinary actions against Respondent would constitute 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(5) (incompetence on more than one occasion);
3. New York Education Law §6530(7) (practicing the profession while impaired by drugs or a mental disorder);

4. New York Education Law §6530(8) (having a psychiatric condition which impaired the licensee's ability to practice); and/or
5. New York Education Law §6530(32) (failure to maintain accurate records).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having her license to practice medicine suspended or having other 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 suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

DATED: *March 16*, 2001
Albany, New York


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