



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

June 18, 1997

VIA FACSIMILE TRANSMISSION

Jose A. Lillo, M.D.
Huarpes 2371
Mendoza 5500
Argentina

RE: License No. 123636

Dear Dr. Lillo:

Enclosed please find Order #BPMC 97-145 of the New York State Board for Professional Medical Conduct. You agreed to accept service via facsimile transmission. This Order and any penalty provided therein goes into effect upon facsimile transmission of this letter to you by June 18, 1997.

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: Kimberly A. O'Brien, Esq.

NYS DOH/BPMC

Fax:518-473-2430

Jun 12 '97 16:18 P.03

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

-----X
IN THE MATTER
OF
JOSE A. LILLO, M.D.
-----X

SURRENDER
ORDER
BPMC # 97-145

JOSE A. LILLO, M.D., says:

On or about April 18, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 123636 by the New York State Education Department.

My current address is Huarpes 2371, Mendoza 5500, Argentina 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 two specifications 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

NYS DUH/BPMC

Fax:518-473-2430

Jun 12 '97 16:18

P.04

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 two specifications 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.

NYS DOH/BPMC

Fax:518-473-2430

Jun 12 '97 16:19 P.05

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner. I agree to service of the final order via facsimile on or before June 19, 1997.

Jose A. Lillo
JOSE A. LILLO, M.D.
Respondent

Subscribed before me this
day of _____, 1997

NOTARY PUBLIC

AGREED TO:

Date: June 16, 1997

Kimberly N. O'Brien
KIMBERLY N. O'BRIEN
Senior Attorney
Bureau of Professional
Medical Conduct

Date: June 17, 1997

Anne F. Saile
ANNE F. SAILE
Director, Office of
Professional Medical Conduct

NYS DOH/BPMC

Fax:518-473-2430

Jun 12 '97 16:19

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ORDER

Upon the proposed agreement of JOSE A. LILLO, 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 facsimile on or before June 19, 1997.

DATED:

June 17, 1997



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

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JOSE A. LILLO, M.D. : CHARGES

-----X

JOSE A. LILLO, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 18, 1975 by the issuance of license number 123633 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. The current address for the Respondent is Huarpes 2371, Mendoza 5500, Argentina.

FACTUAL ALLEGATIONS

1. By Default Decision dated August 14, 1996, Division of Medical Quality of the Medical Board of California Department of Consumer Affairs State of California found that among other things Respondent was grossly negligent in his treatment of a patient. The Respondent's license was revoked.

2. The conduct of which Respondent was found guilty in California would, if committed in New York State, constitute professional misconduct under the laws of New York State

including within the meaning of New York Education Law § 6530(4) (McKinney Supp. 1997) (gross negligence).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(b) (McKinney Supp. 1997) in that he was 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 of paragraphs 1 and/or 2.

SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(d) (McKinney Supp. 1997) in that he had disciplinary action taken against his license 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 laws of New York State, in that
Petitioner charges:

2. The facts of paragraphs 1 and/or 2.

DATED: *June 12*, 1997
Albany, New York

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