



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

September 30, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Horacio Preval, M.D.
589 South Bayview Avenue
Freeport, New York 11520

RE: License No. 186078

Dear Dr. Preval:

Enclosed please find Order #BPMC 97-234 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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: Nicholas Calabria, Esq.
O'Brien & Mayr
2 Lincoln Avenue
Rockville Centre, New York 11570

Jude B. Mulvey, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
HORACIO PREVAL, M.D. : AND ORDER
: BPMC # 97-234

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HORACIO PREVAL, M.D., says:

On or about July 1, 1991, I was licensed to practice as a physician in the State of New York, having been issued license number 186078 by the New York State Education Department.

My current address is 589 South Bayview Avenue, Freeport, New York 11520 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one specification(s) of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the first specification.

I hereby agree to the following penalty: Censure and Reprimand, and I further agree to attend, participate in and complete an evaluation by a Board certified psychiatrist with a specialty in chemical dependency chosen by the Board within 60 days of the effective date of this Order. Further, I must participate in and successfully complete any recommended

treatment programs and/or aftercare recommendations made by the evaluator.

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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 application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

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

Horacio Preval M.D.
HORACIO PREVAL, M.D.
RESPONDENT

Subscribed before me this

11 day of September, 1997.

[Signature]
NOTARY PUBLIC

NICHOLAS P. CALABRIA
Notary Public, State of New York
No. 4976526
Qualified in Nassau County
Commission Expires 11/1/99

AGREED TO:

DATE: 9/16/97

[Signature]
NICK CALABRIA, ESQ.
Attorney for Respondent

DATE: 9/18/97

[Signature]
JUDE BREARTON MULVEY
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: 9/23/97

[Signature]
ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of HORACIO PREVAL, M.D. (Respondent) for Consent Order, 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; and 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 certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATED: 9.24.97

Patrick F. Carone, M.D., M.P.H.

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

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

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IN THE MATTER : STATEMENT
OF : OF
HORACIO PREVAL, M.D. : CHARGES

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HORACIO PREVAL, M.D., the Respondent, was authorized to practice medicine in New York State on July 1, 1991, by the issuance of license number 186078 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. Respondent, on or about January 17, 1996, in the case of People v. Horacio Preval (District Court, Nassau County, New York) was convicted of the crime of Driving While Intoxicated, a misdemeanor, in violation of N.Y. Vehicle and Traffic Law Section 1192(2). Respondent was fined \$1000.00, his license was suspended for a period of six months and the matter was conditionally discharged.

SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law §6530(9)(a) (McKinney Supp. 1997) by reason of having been convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts contained in paragraph 1.

EXHIBIT A

DATED: *July 25*, 1997
Albany, New York

Peter D. Van Buren

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