

**These charges are only allegations which
may be contested by the licensee in an
administrative hearing.**

IN THE MATTER
OF
DANIEL CANCHOLA, M.D.

STATEMENT
OF
CHARGES

DANIEL CANCHOLA, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 5, 2010, by the issuance of license number 259361 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 18, 2019, Respondent and the Texas Medical Board (hereinafter, "Texas Board") entered into an Agreed Order of Suspension (hereinafter, "Order"), which suspended Respondent's medical license until such time as Respondent adequately indicates to the Texas Board that he is physically, mentally, and otherwise competent to practice medicine. This Order was issued pursuant to findings that: Respondent failed to maintain copies of medical records reviewed regarding the medical necessity of orders for durable medical equipment (hereinafter "DME"); failed to personally examine any patient as part of his review, but solely relied on the medical record to issue orders for patients; and on one occasion, Respondent ordered DME for a patient, yet the patient was not seen by the Respondent for any condition requiring the DME.

B. The conduct resulting in the Texas Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following Section of New York State Law:

1. New York Education Law § 6350(3) (Practicing the profession with negligence on more than one occasion); and
2. New York Education Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).


SPECIFICATION OF CHARGES

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530(3) and (32)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B1 and/or A and B and B.2.

DATE: June 23, 2020
Albany, New York


TIMOTHY J. MAHAR
Deputy Counsel
Bureau of Professional Medical Conduct