

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

IN THE MATTER
OF
FRANCISCO A. SIGUENZA, D.O.

NOTICE
OF
HEARING

TO: FRANCISCO A. SIGUENZA, D.O.


PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230 and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on November 16, 2017, at 10:30 a.m., at the Offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204, and at such other adjourned dates, times and places as the committee may direct.¹

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses

¹ For GPS purposes, enter "Riverview Center, 150 Broadway, Menands, NY 12204"

and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such 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. Pursuant to §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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE Sept. 26, 2017

ALBANY, NY


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:
Nathaniel White, Associate Counsel
Bureau of Professional Medical Conduct
Division of Legal Affairs
New York State Department of Health
Corning Tower – 2512
Empire State Plaza
Albany, NY 12237

IN THE MATTER
OF
FRANCISCO A. SIGUENZA, D.O.

STATEMENT
OF
CHARGES

FRANCISCO A. SIGUENZA, D.O., the Respondent, was authorized to practice medicine in New York State on or about June 18, 1993, by the issuance of license number 192398 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 18, 2010, the New York State Supreme Court in Monroe County entered a Judgment in an action between the Pennsylvania Higher Education Assistance Agency ("Plaintiff") and Francisco A. Siguenza ("Defendant"), whereby the Respondent was found responsible for \$124,249.74 in damages and interest. The Plaintiff, a governmental agency, sought recovery of money due and owed by the Respondent for a student loan of \$130,281.79 issued on or about February 19, 2002 through the Federal Health Education Assistance Loan ("HEAL") Consolidation Program. The loan was used to consolidate outstanding HEAL loans from Respondent's medical education at the New York College of Osteopathic Medicine where he graduated in 1987. As of November 23, 2009, seven years after signing the Promissory Note for the loan, Respondent had been delinquent for 594 days and was in default of his obligations under the terms of the Promissory Note for not making payments. As of July 12, 2017, the United States Justice Department reported Respondent's liability as \$146,661.47.

B. The Federal HEAL Program insured loans made by participating lenders to eligible graduate students in schools of medicine or osteopathy, among other programs, between 1978 and 1998.

SPECIFICATION OF CHARGES

Respondent violated New York Education Law § 6530(42) by failing to comply with an agreement entered into to aid his or her medical education, as alleged in the facts of the following paragraphs:

1. Paragraphs A and B.

DATE: September 26, 2017
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct