



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

December 8, 1994

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Rosario Guerzon, M.D.  
P.O. Box 34220  
W. Bethesda, Maryland 20827

RE: License No. 104784  
Effective date: 12/15/94

Dear Dr. Guerzon:

Enclosed please find Order #BPMC 94-257 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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

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IN THE MATTER :  
OF : ORDER  
ROSARIO GUERZON, M.D. : BPMC #94-257

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Upon the Application of ROSARIO GUERZON, M.D. (Respondent) to Surrender his/her license as a physician in the State of New York, which application is made a part hereof, it is

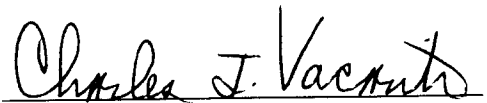
ORDERED, that the application and the provisions thereof are hereby adopted; it is further

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 certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 5 December 1994



CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION TO  
OF : SURRENDER  
ROSARIO GUERZON, M.D. : LICENSE

-----X

STATE OF MARYLAND )

ss.

COUNTY OF

ROSARIO GUERZON, M.D., being duly sworn, deposes and says:

On or about September 24, 1969, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 104794 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period from January 1, 1993 through December 31, 1994. My registration address is P.O. Box 34220, W. Bethesda, Maryland 20827.

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

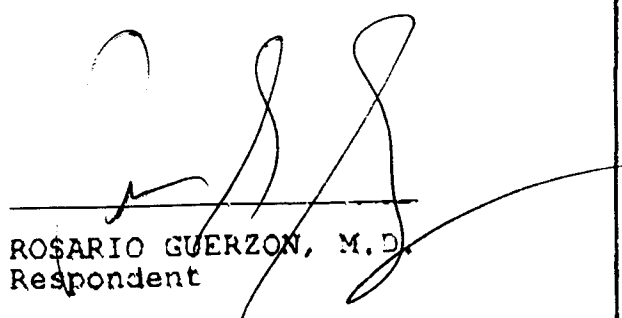
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit that I am guilty of professional misconduct as charged, in that I did plead guilty to and was convicted of committing a crime in the State of Maryland, and that said criminal conviction forms the basis for the charge which New York has brought against me.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application 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 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 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 grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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



ROSARIO GUERZON, M.D.  
Respondent

Sworn to before me this  
*29* day of *November*, 1994

*Marie Sinker*  
NOTARY PUBLIC

My Commission Expires 11/1/98

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


-----X  
IN THE MATTER : APPLICATION TO  
TO : SURRENDER  
ROSARIO GUERZON, M.D. : LICENSE  
-----X

The undersigned agree to the attached application of the Respondent to surrender his license.

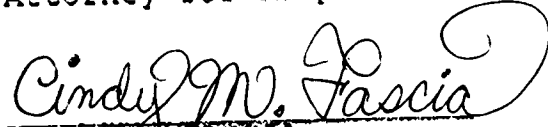
Date: 11/29, 1994

  
ROSARIO GUERZON, M.D.  
Respondent

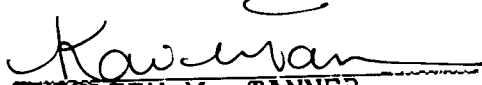
Date: 11/30, 1994

  
WILLIAM FANCIULLO, ESQ.  
Attorney for Respondent

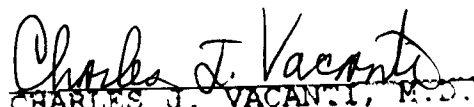
Date: December 1, 1994

  
CINDY M. FASCIA  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: Dec. 1, 1994

  
KATHLEEN M. TANNER  
Director, Office of  
Professional Medical Conduct

Date: 5 December, 1994

  
CHARLES J. VACANTI, M.D.  
Chairperson, State Board  
for Professional Medical Conduct

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

-----X  
: AMENDED  
IN THE MATTER : STATEMENT  
OF : OF  
ROSARIO GUERZON, M.D. : CHARGES  
-----X

ROSARIO GUERZON, M.D., the Respondent, was authorized to practice medicine in New York State on September 24, 1969, by the issuance of license number 104784 by the New York State Education Department. The Respondent is currently registered from January 1, 1993 through December 31, 1994 from P.O. Box 34220, W. Bethesda, Maryland 20827.

**FACTUAL ALLEGATIONS**

1. Respondent, on or about February 20, 1991, in the Circuit Court for Baltimore City, Maryland, pleaded guilty to and was convicted of a charge of assault and/or battery, as set forth in a Criminal Information which charged that Respondent, on September 23, 1990, "unlawfully did make an assault upon, and did then and there beat the said Complainant", a child named "Amy R."

2. Respondent, pursuant to his guilty plea, was sentenced to 20 years of imprisonment, the execution of which was suspended, and was placed on supervised probation for a period of five years. Respondent's probation included Special Conditions, as set forth in the Order for Probation Addendum made by Judge

Kenneth Johnson, Circuit Court for Baltimore City, on February 20, 1991. Said Special Conditions included a requirement that Respondent pay a total of fifteen thousand dollars (\$15,000.00) into a Mental Health Intervention Fund, and that Respondent would pay out of said Fund all mental health expenses submitted by Amy R. and her mother, Jane R. Respondent was also ordered to undergo at his own expense psychosexual therapy at the Sexual Disorders Clinic of the Johns Hopkins Hospital. Respondent was ordered to comply with all conditions of that therapy, including drug therapy and random monitoring by penile plethysmograph and polygraph. Respondent was also ordered "to have no contact with any child under the age of eighteen or any mentally defective adult." In addition to the requirements of his probation, Respondent was ordered to pay a fine of \$5,000.00, and court costs.

3. Respondent, pursuant to his guilty plea and conviction, was convicted of an act constituting a crime under the law of Maryland which, if committed in New York State, would have constituted a crime under New York State law, specifically N.Y. Penal Law §120.00, and/or N.Y. Penal Law §120.15, and/or N.Y. Penal Law §260.10.

#### **SPECIFICATION**


Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(a)(iii) (McKinney Supp. 1994) in that he was convicted of committing an act constituting



a crime under the law of another jurisdiction which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraphs 1 through 3.

DATED: *Oct, 21*, 1994  
Albany, New York

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