



*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

July 3, 1998

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Philadelpo Guevarra, M.D.  
133 Old Woodbury Road  
Southbury, Connecticut 06488

RE: License No. 130271

Dear Dr. Guevarra:

Enclosed please find Order #BPMC 98-129 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 10, 1998**.

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: Phillip G. Steck, Esq.  
Cooper, Erving, Savage, Nolan & Heller, LLP  
39 North Pearl Street  
Albany, New York 12207-2775

Wayne E. Olinzock, Esq.

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

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IN THE MATTER : SURRENDER  
OF : ORDER  
PHILADELPO GUEVARRA, M.D. : AGREEMENT  
: BPMC # 98-129

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PHILADELPO GUEVARRA, M.D., says:

On or about March 18, 1977, I was licensed to practice as a physician in the State of New York, having been issued license number 130271 by the New York State Education Department.

My current address is 133 Old Woodbury Road, Southbury Connecticut, 06488.

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 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 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 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, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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



PHILADELPO GUEVARRA, M.D.  
RESPONDENT

Subscribed before me this

*6* day of *June*

, 1998.



NOTARY PUBLIC

**My Commission Expires  
July 31, 2000**

AGREED TO:

DATE:

6/10/98

Phillip G. Steck

PHILLIP G. STECK  
ATTORNEY FOR RESPONDENT

DATE:

6/18/98

Wayne E. Olinzock

WAYNE E. OLINZOCK  
ASSISTANT COUNSEL  
Bureau of Professional  
Medical Conduct

DATE:

6/23/98

Anne Saile

ANNE F. SAILE  
DIRECTOR  
Office of Professional  
Medical Conduct

ORDER

Upon the proposed agreement of PHILADELPO GUEVARRA, M.D. (Respondent), 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 certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATED: 5/25/98



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  
PHILADELPO GUEVARRA, M.D. : CHARGES

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PHILADELPO GUEVARRA, M.D., the Respondent, was authorized to practice medicine in New York State on March 18, 1977 by the issuance of license number 130271 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. Respondent provided medical care to Patient A (patients are identified in the Appendix) at various times from approximately July 11, 1993 through approximately July 12, 1993 as a staff physician with the New York State Office of Mental Retardation and Developmental Disabilities (hereinafter, OMRDD), at the Wassaic Developmental Center, Wassaic, New York (hereinafter, WDC), a New York State facility operated by OMRDD. Respondent's care of Patient A did not meet accepted standards of care, in that:

1. Respondent failed to perform an adequate evaluation of Patient A and/or document such evaluation including, without limitation, vital signs and/or a neurologic exam.
2. Respondent failed to order appropriate care for Patient A including, without limitation, transferring Patient A to a hospital emergency room for further evaluation and/or treatment.

B. Respondent provided medical care and treatment to Patient B from approximately May 29, 1994 through approximately May 30 1994 as a staff physician with OMRDD at WDC. Respondent's care and treatment of Patient B deviated from accepted standards in that:

1. Respondent failed to conduct an adequate initial evaluation of Patient B and/or document such evaluation including, without limitation, vital signs, cardiac findings, hydration status and/or the possible causes of Patient B's rales and vomiting.
2. Respondent failed to order appropriate diagnostic tests for Patient B including, without limitation, an electrocardiogram and chest X-ray or, in the alternative, transfer Patient B to a hospital emergency room for further evaluation and/or treatment.

C. Respondent provided medical care to Patient C, from approximately September 12, 1995 through approximately September 13, 1995 as a staff physician with OMRDD at WDC. Respondent's care and treatment of Patient C deviated from accepted standards in that:

1. Respondent failed to perform an adequate evaluation of Patient C and/or document such evaluation including, without limitation, the possible causes of Patient C's worsening tachypnea, tachycardia and the presence of rales.
2. Respondent failed to order appropriate care for Patient C including, without limitation, transferring Patient C to a hospital emergency room for further evaluation and/or treatment.

D. Respondent provided medical care to Patient D on January 7, 1996 as a staff physician with OMRDD at WDC. Respondent's care and treatment of Patient D deviated from accepted standards in that:

1. Respondent failed to perform an adequate evaluation of Patient D and/or document such evaluation including, without limitation, the possible causes of Patient D's hypothermia and/or lethargy.
2. Respondent failed to order appropriate diagnostic tests to ascertain the possible cause(s) of Patient D's hypothermia and/or lethargy including, but not limited to, a complete blood count, blood chemistry, and/or a dilantin level.

#### **FIRST SPECIFICATION**

##### PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(3) by reason of his practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in Paragraphs A and A1, A and A2, B and B1, B and B2, C and C1, C and C2, D and D1, D and/or D2.

#### **SECOND SPECIFICATION**

##### PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law §6530(5) by reason of his practicing the profession of medicine with incompetence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following :

2. The facts in Paragraphs A and A1, A and A2, C and C1, C and/or C2.



DATED: June 19, 1998  
Albany, New York

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