



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

January 6, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

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

RE: License No. 130271

Dear Dr. Guevarra:

Enclosed please find Order #BPMC 97-2 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,

Charles Vacanti, M.D.
Chair
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

Kevin P. Donovan, Esq.

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

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IN THE MATTER :
OF : ORDER
PHILADELPO GUEVARRA, M.D. : BPMC #97-2

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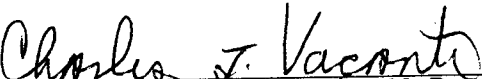
Upon the Application of PHILADELPO GUEVARRA, M.D.
(Respondent) for Consent Order, which Application is made a part
hereof, it is

ORDERED, that the Application and the provisions thereof are
hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 31 December 1996


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
OF : FOR
PHILADELPO GUEVARRA, M.D. : CONSENT
: ORDER

-----X

STATE OF CONNECTICUT)
COUNTY OF NEW HAVEN) ss.:

PHILADELPO GUEVARRA, M.D., being duly sworn, deposes and says:

I was licensed to practice as a physician in the State of New York, having been issued License No. 130271 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 January 1, 1995 through August 31, 1997.

I understand that the New York State Board for Professional Medical Conduct has charged me with One Specification of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the Specification in full satisfaction of the charges against me.

I hereby agree to the penalty of a thirty day suspension of


my license to practice medicine in New York State and probation for a period of three years during which I must fully comply with the Terms of Probation attached hereto as Exhibit B.

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

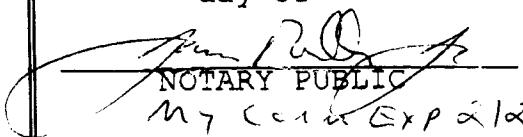
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making 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

Sworn to before me this
21st day of December, 1996.


NOTARY PUBLIC

NY COM. EXP 2/28/00

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
PHILADELPO GUEVARRA, M.D. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: Dec 18, 1996

Philadelpho Guevarra
PHILADELPO GUEVARRA, M.D.
Respondent

DATE: Dec 23, 1996

Phillip G. Steck
PHILLIP G. STECK, ESQ.
Attorney for Respondent

DATE: Dec 29, 1996

Kevin P. Donovan
KEVIN P. DONOVAN
ASSOCIATE COUNSEL
Bureau of Professional
Medical Conduct

DATE: December 30, 1996

Anne F. Saile
ANNE F. SAILE
DIRECTOR
Office of Professional Medical
Conduct

DATE: 31 December 1996

Charles J. Vacanti
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 : STATEMENT
OF : OF
PHILADELFO GUEVARRA, M.D. : CHARGES

-----X

PHILADELFO 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 By "Affidavit Regarding Non-Renewal of Connecticut License" (the Affidavit) accepted by the Division of Medical Quality Assurance of the State of Connecticut, Respondent agreed to not renew his Connecticut license and to not see, treat, or diagnose any patients in Connecticut from the date of the Affidavit until the date of expiration of his license. He further agreed to not seek licensure in any jurisdiction in which he was not already licensed. The conduct resulting in this disciplinary action was set forth in Petition No. 931109-01-220, the allegations of which Respondent agreed would be deemed true if he were ever to seek reinstatement of his license. The conduct included, concerning one patient, failure to appropriately treat chronic diarrhea, improper ordering and monitoring polypharmacy, including Dilantin; and concerning another patient, failure to timely react to a laboratory report

and failure to institute treatment of a documented condition.

B. The conduct on which the disciplinary action in Connecticut was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, namely negligence on more than one occasion within the meaning of New York Education Law § 6530(3) (McKinney Supp. 1996), incompetence on more than one occasion within the meaning of New York Education Law § 6530(5) (McKinney Supp. 1996), gross negligence within the meaning of New York Education Law § 6530(4) (McKinney Supp. 1996), and/or gross incompetence within the meaning of New York Education Law § 6530(6) (McKinney Supp. 1996).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law § 6530(9)(d) (McKinney Supp. 1996) in that he had disciplinary action taken against his license by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts of paragraphs A and B.

DATED: *October 4*, 1996
Albany, New York

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

TERMS OF PROBATION

EXHIBIT B

1. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Building, 4th Floor, 433 River Street, Troy, New York 12180-2299, said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

7. Respondent shall work only in a supervised setting such as a facility licensed by New York State, where close practice oversight is available on a daily basis and where quality assurance and risk management protocols are in effect. Respondent shall not practice medicine until the supervised setting proposed by Respondent is approved, in writing, by the Director of OPMC.
 - a. Respondent shall propose an appropriate supervisor or administrator in all practice settings, who shall be subject to the written approval of the Director of OPMC. Respondent shall cause the supervisor or administrator to submit reports, as requested, regarding Respondent's overall quality of medical practice.
 - b. Respondent shall provide the supervisor/administrator in all settings with the Order and terms of probation and shall cause the supervisor/administrator, in writing, to comply with OPMC schedules and requests for information.
 - c. Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC which truthfully attests whether Respondent has been in compliance with the employment setting and required supervision.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation or probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.