



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

July 22, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Fernando Rodriguez, M.D.
122 Monfort Drive
Belle Meade, NJ 08501-4808

Re: License No. 180305

Dear Dr. Rodriguez:

Enclosed please find Order #BPMC 04-161 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect July 29, 2004.

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 to the 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

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

IN THE MATTER
OF
FERNANDO RODRIGUEZ, M.D.
CO-03-10-4634-A

SURRENDER
ORDER
BPMC No. #04-161

FERNANDO RODRIGUEZ, M.D., says:

On or about October 10, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 180305 by the New York State Education Department. I currently reside at 122 Monfort Drive, Belle Meade, NJ 08501-4808.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with three (3) 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, hereby, agree not to contest the three (3) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: July 14, 2004


FERNANDO RODRIGUEZ, M.D.
Respondent

AGREED TO:

Date: 15 July, 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 16 July, 2004


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER


Upon the proposed agreement of **FERNANDO RODRIGUEZ, M.D.**, 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 the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 7/20/04, 2004


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
FERNANDO RODRIGUEZ, M.D.
CO-03-10-4634-A

STATEMENT
OF
CHARGES

FERNANDO RODRIGUEZ, M.D., the Respondent, was authorized to practice medicine in New York state on October 10, 1989, by the issuance of license number 180305 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 6, 2003, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), reprimanded Respondent and suspended his license to practice medicine and surgery for four (4) years, to be stayed and served as a period of probation, required him to permanently cease his practice of pain management and detoxification, and to pay \$14,931.08 costs, based on gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person, repeated acts of negligence, malpractice or incompetence, and violated or failed to comply with the provisions of any act or regulation administered by the New Jersey Board.

B. On or about April 8, 2004, in the Superior Court, Law Division-Criminal Somerset County, New Jersey, Respondent was found guilty, based on a plea of guilty, of four (4) counts of Unlawful Possession of a Weapon in the 3rd degree, all felonies, and Unlawful Possession of a Prohibited Device in the 4th Degree, a misdemeanor, and was sentenced to three (3) years probation, to attend anger management evaluation and treatment, perform fifty (50) hours community service, and pay monetary penalties, a \$25.00 monthly Probation Supervision Fee, and a \$500.00 fine.

C. The conduct resulting in the New Jersey Board disciplinary actions against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(16) (a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules or regulations governing the practice of medicine).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed in New York state, would have constituted a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or C.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

3. The facts in Paragraphs A and/or C.

DATED: *May 27*, 2004
Albany, New York


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