



New York State Board for Professional Medical Conduct

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

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

Charles J. Vacanti, M.D.
Chair

November 19, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Leonardo A. Garduno, M.D.
12828 Harbor Boulevard, Suite 300
P.O. Box 4569
Garden Grove, California 92842-4569

RE: License No. 123574

Dear Dr. Garduno:

EFFECTIVE DATE NOVEMBER 26, 1996

Enclosed please find Order #BPMC 96-270 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,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Thomas O'Malley, Esq.

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

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IN THE MATTER :
OF : ORDER
LEONARDO A. GARDUNO, M.D. : BPMC #96-270

-----X

Upon the Application of Leonardo A. Garduno, M.D., to
Surrender his 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: 15 November 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 : APPLICATION TO
OF : SURRENDER
LEONARDO A. GARDUNO, M.D. : LICENSE

-----X

STATE OF CALIFORNIA)

ss.:

COUNTY OF *ORANGE*)

Leonardo A. Garduno, M.D., being duly sworn, deposes and
says:

On or about April 14, 1975, I was licensed to practice
medicine as a physician in the State of New York having been
issued License No. 123574 by the New York State Education
Department.

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 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".

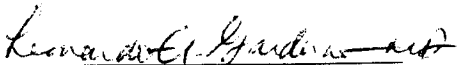
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the allegations.

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.

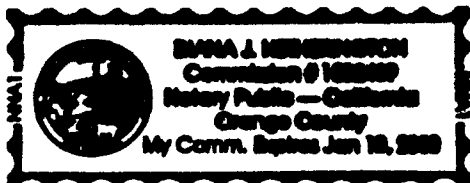
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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


Leonardo A. Garduno, M.D.
Respondent

Sworn to before me this
5th day of ~~March~~, 1996


NOTARY PUBLIC



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

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IN THE MATTER : APPLICATION TO
OF : SURRENDER
LEONARDO A. GARDUNO, M.D. : LICENSE

-----X

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

Date: 11-05, 1996 Leonardo A. Garduno
LEONARDO A. GARDUNO, M.D.
Respondent

Date: _____, 1996 _____
_____, Esq.
Attorney for Respondent

Date: November 6, 1996 Thomas K. O'Malley
THOMAS K. O'MALLEY, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: November 7, 1996 Anne Saile
ANNE F. SAILE
DIRECTOR
Office of Professional Medical
Conduct

Date: 15 November, 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
LEONARDO A. GARDUNO, M.D. : CHARGES

-----X

LEONARDO A. GARDUNO, M.D., the Respondent, was authorized to practice medicine in New York State on April 14, 1975, by the issuance of license number 123574 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice in New York State.

FACTUAL ALLEGATIONS

1. On August 24, 1993, Respondent entered into a "Stipulation In Settlement Decision And Order" and "Decision" with the Medical Board of California. The California Board accused Respondent of unprofessional conduct and dishonesty, and of making a false statement on an application for hospital privileges wherein he denied ever having been the subject of disciplinary action. In 1982, while Respondent was a medical officer in the US Air Force his surgical privileges were permanently withdrawn largely because of his indecisiveness in the operating room.

2. In the settlement agreement Respondent admitted that he had committed an act of unprofessional conduct in failing to disclose on an application for hospital staff privileges that there had been an earlier restriction of his surgical privileges. The California Board revoked his license, stayed the revocation and placed Respondent on probation for five years subject to certain conditions.

3. On October 30, 1995, Respondent's license to practice medicine in the state of New Jersey was revoked by "Final Order". New Jersey's State Board of Medical Examiners ruled that Respondent's conduct as set forth in California's Stipulation in Settlement, Decision and Order and Accusation, constituted professional medical conduct in violation of New Jersey state law and provided the basis for said revocation of his license.

4. The conduct upon which both the California and New Jersey Medical Examiner's imposed disciplinary action upon Respondent would, if committed in New York state, constitute professional misconduct under N.Y. Educ. law §6530(2) [practicing the profession fraudulently] (McKinney Supp. 1996).

SPECIFICATION

FIRST AND SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Educ. law §6530(9)(d) (McKinney Supp. 1996) by reason of having his license to practice medicine revoked, suspended or having other disciplinary action taken, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license would, if committed in New York state, constitute professional misconduct under the laws of New York state in that Petitioner charges:

1. the facts in paragraphs 1, 2, and/or 4.
2. the facts in paragraphs 1, 2, 3 and/or 4.

DATED: August 20, 1996
Albany, New York

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