



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE  
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

September 26, 1990

Marina Guerrero, Physician  
87-92 Parsons Boulevard  
Jamaica, N.Y. 11432

Re: License No. 119567

82-46 Petit Avenue  
Elmhurst, N.Y. 11373

Dear Dr. Guerrero:

Enclosed please find Commissioner's Order No. 10616. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER  
Director of Investigations  
By:

GUSTAVE MARTINE  
Supervisor

DJK/MAH/er  
Enclosures

CERTIFIED MAIL- RRR

cc:

**RECEIVED**

OCT 01 1990  
5274-210515  
Office of Professional  
Medical Conduct



MARINA GUERRERO, M.D.

I do not contest the First through Third Specification, Fraudulent Practice (as set forth in paragraphs 1, 2 and 3) and I do not contest the Fourth through Sixth Specification, Willfully Making and Filing a False Report (as set forth in paragraphs 4, 5 and 6).

I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended for a period of two (2) years, that execution of said suspension be stayed, and that I be placed on probation for a period of two (2) years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

I hereby make this application to the Board of Regents and request that it be granted.

I understand that, in the event that this application is not granted by the Board of Regents, 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 of Regents shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

MARINA GUERRERO, M.D.

I agree that, in the event the Board of Regents grants my application, as set forth herein, an order of the Commissioner of Education may be issued in accordance with same.

No promises of any kind were made 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.

*Marina S. Guerrero, M.D.*

MARINA GUERRERO, M.D.  
Respondent

Sworn to before me this  
3rd day of January, 1980

*John T. [Signature]*

NOTARY PUBLIC

LINCOLN COUNTY, N.Y.  
Notary Public, State of New York  
No. 2442  
Qualified in Kings County  
My Comm. Expires Jan 31, 1980

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

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IN THE MATTER : APPLICATION  
OF : FOR  
MARINA GUERRERO, M.D. : CONSENT  
: ORDER  
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The undersigned agree to the above statement and to the proposed penalty based on the terms and conditions thereof.

Date: 12/27/89 Marina L. Guerrero, M.D.  
MARINA GUERRERO, M.D.  
Respondent

Date: 1/3/90 Stella V. Tanno  
Attorney for Respondent

Date: 1/19/90 [Signature]  
MEMBER, State Board for  
Professional Medical Conduct

Date: 1/12/90 Kathleen M. Tanner  
KATHLEEN M. TANNER  
Director, Office of Professional  
Medical Conduct

MARINA GUERRERO, M.D.

The undersigned has reviewed and agrees to the attached application for consent order.

Date:

1/12/90

David Axelrod

DAVID AXELROD, M.D.  
Commissioner of Health

The undersigned, a member of the Board of Regents who has been designated by the Chairman of the Regents Committee on Professional Discipline to review this Application for a Consent Order, has reviewed said application and recommends to the Board of Regents that the application be granted.

Date:

8/2/90

[Signature]

MEMBER OF THE BOARD OF REGENTS

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

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IN THE MATTER : STATEMENT  
OF : OF  
MARINA GUERRERO, M.D. : CHARGES

-----X

MARINA GUERRERO, M.D., the Respondent, was authorized to practice medicine in New York State on March 22, 1974 by the issuance of license number 119567 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1989 through December 31, 1991 at 82-46 Pettit Avenue, Elmhurst, New York 11373 and at 87-92 Parsons Boulevard, Jamaica, New York 11432.

**FACTUAL ALLEGATIONS**

A. On or about December 17, 1977, Respondent physician, who did not have malpractice insurance coverage, willfully and knowingly filed or caused to be filed, a certificate of insurance from Medical Liability Mutual Insurance Company ("MLMIC") with Catholic Medical Center of Brooklyn and Queens, Inc. ("CMC"), which certificate falsely indicated that Respondent carried liability insurance as of July 1, 1977.

B. On or about May 27, 1978, Respondent physician, who did not have malpractice insurance coverage, willfully and knowingly filed or caused to be filed, a data sheet with CMC, which data sheet falsely indicated that Respondent had malpractice insurance with MLMIC for the period 7/1/77 through 6/30/78.

C. On or about March 1, 1982, Respondent physician, who did not have malpractice insurance coverage, willfully and knowingly filed, or caused to be filed, a certificate of insurance from MLMIC with CMC, which certificate falsely indicated that Respondent carried liability insurance as of July 1, 1981.

### SPECIFICATION OF CHARGES

#### FIRST THROUGH THIRD SPECIFICATION

##### **FRAUDULENT PRACTICE**

The Respondent is charged with practicing the profession of medicine fraudulently under N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that, the Petitioner charges:

1. The facts in paragraph A.
2. The facts in paragraph B.
3. The facts in paragraph C.

#### FOURTH THROUGH SIXTH SPECIFICATION

##### **WILLFULLY MAKING AND FILING A FALSE REPORT**

The Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law Section 6509(9) (McKinney 1985) and



her conduct in the practice of her profession evidences unprofessional conduct within the meaning of 8 N.Y.C.R.R. 29.1(b)(6)(1987) by willfully making and filing a false report, in that, the Petitioner charges:

4. The facts in paragraph A.
5. The facts in paragraph B.
6. The facts in paragraph C.

DATED: New York, New York  
*May 24*, 1989



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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

## TERMS OF PROBATION

1. That Respondent, during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his

aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with or any other violation of probation, a violation of probation proceeding and/or such other proceeding may be initiated against Respondent pursuant to the Education Law, Rules of the Board of Regents and/or Public Health Law.

**ORDER OF THE COMMISSIONER OF  
EDUCATION OF THE STATE OF NEW YORK**

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**MARINA GUERRERO**

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**CALENDAR NO. 10616**



# The University of the State of New York

IN THE MATTER

OF

MARINA GUERRERO  
(Physician)

DUPLICATE  
ORIGINAL  
VOTE AND ORDER  
NO. 10616

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Upon the application of MARINA GUERRERO, under Calendar No. 10616, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

**VOTED (September 14, 1990):** That the application of MARINA GUERRERO, respondent, for a consent order be granted; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the provisions of this vote;

**and it is**

**ORDERED:** That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof as well as 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 the respondent or five days after mailing by certified mail.

MARINA GUERRERO (10616)

IN WITNESS WHEREOF, I, Thomas Sobol,  
Commissioner of Education of the State of  
New York, for and on behalf of the State  
Education Department and the Board of  
Regents, do hereunto set my hand and affix  
the seal of the State Education Department,  
at the City of Albany, this 24<sup>th</sup> day of  
September, 1990.

*Thomas Sobol*

Commissioner of Education