



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

file

Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

September 6, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Margarita Guzman, M.D.
51 Maxwell Road
Garden City, New York 11530

RE: License No. 096145

Dear Dr. Guzman:

Enclosed please find Order #BPMC 94-177 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,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: David A. Zarett, Esq.
Garfunkel, Wild & Travis, P.C.
175 Great Neck Road
Great Neck, New York 11021-3324

E. Marta Sachey, Esq.

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

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IN THE MATTER :
OF : ORDER
MARGARITA GUZMAN, M.D. : BPMC #94-177

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Upon the Application of MARGARITA GUZMAN, 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:

1 September 1994

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

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IN THE MATTER : APPLICATION
OF : FOR
MARGARITA GUZMAN, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

MARGARITA GUZMAN, M.D., being duly sworn, deposes and
says:

1. I was authorized to practice medicine in New York State on August 29, 1966 by the issuance of license number 096145 by the New York State Education Department.
2. I am currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 1081 Route 106, East Norwich, New York 11732.
3. I understand that the New York State Board for Professional Medical Conduct [hereafter "Board"] 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."

4. I hereby admit guilt to the one specification of
professional misconduct which is set forth on page four of
the Statement of Charges.

5. I hereby agree to the following penalties:

(a) Suspension of my license for three years, such
suspension stayed.

(b) My license shall be limited to preclude
the performance of obstetrical and
gynecological surgery including, without
limitation, D and Cs, forceps deliveries
and Ceasarean sections, and other surgery,
except

(i) I may perform obstetrical and
gynecological and other surgery,
including D and Cs, routinely
performed in an office setting.

(ii) I may perform spontaneous vaginal
deliveries.

(iii) I may perform obstetrical and

- (iii) I may perform obstetrical and gynecological and other surgery including, without limitation, D and Cs, forceps deliveries, and Ceasarean sections, not routinely performed in an office setting only on the condition that any such surgical procedure is preapproved by a Board Certified obstetrician-gynecologist or other Board Certified specialist if the surgical procedure is not obstetrical or gynecological and on the condition that a Board Certified obstetrician-gynecologist or other Board Certified specialist if the surgical procedure is not obstetrical or gynecological, is present during the surgical procedure, except the presence of such physician is not required for D and Cs.
- (iv) I shall notify the New York State Department of Health's Office of Professional Medical Conduct [hereafter "OPMC"] of any applications for

obstetrical and gynecological or other surgical privileges I intend to make to hospitals in New York State and shall secure the prior approval of OPMC for any such applications, which approval shall not be unreasonably withheld. In making such applications for privileges I shall advise the hospitals of the limitations on my license contained herein.

(c) A three year period of probation, under the Terms of Probation set forth and attached hereto as "Exhibit B," which period shall begin on the effective date of the Order issued pursuant to this Application and which period shall run only during those times when I am engaged in the practice of medicine in New York State.

6. I hereby make this Application to the Board and request that it be granted.
7. I understand that, in the event 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 charged against me, such Application shall not be used against me in any way and shall be kept in strict

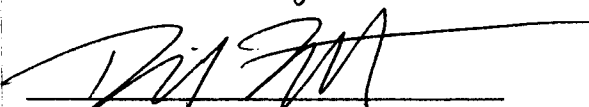
confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

8. 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.
9. I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



MARGARITA GUZMAN, M.D.
RESPONDENT

Sworn to before me this
1st day of August, 1994.



NOTARY PUBLIC


DAVID A. ZARETT
Notary Public, State of New York
No. 4890250
Qualified in Nassau County
Commission Expires March 30, 1995

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

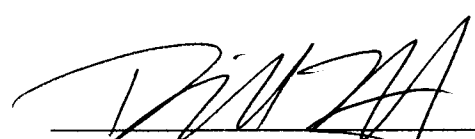
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: APPLICATION
IN THE MATTER :
: FOR
OF :
: CONSENT
MARGARITA GUZMAN, M.D. :
: ORDER
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The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

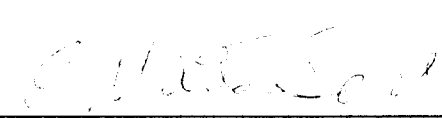
Date: 8/1/94


MARGARITA GUZMAN, M.D.
RESPONDENT

Date: 8/1/94


DAVID A. ZARETT, ESQ.
ATTORNEY FOR RESPONDENT

Date: 8/25/94


E. MARTA SACHEY
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: September 6, 1994

Kathleen M. Tanner
for

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 1 September 1994

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

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IN THE MATTER : STATEMENT
OF : OF
MARGARITA GUZMAN, M.D. : CHARGES

-----X

MARGARITA GUZMAN, M.D., the Respondent, was authorized to practice medicine in New York State on August 29, 1966 by the issuance of license number 096145 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 at 1081 Route 106, East Norwich, New York 11732.

FACTUAL ALLEGATIONS

1. The State of Georgia State Board of Medical Examiners, by Final Order dated October 2, 1991, adopting an Initial Decision dated March 5, 1991, found that Respondent, during the approximate period of 1980 through 1989, engaged in unprofessional conduct by her failure to conform to minimal standards of acceptable and prevailing medical practices

with regard to her treatment of five patients and her record keeping for four of those five patients and three other patients in violation of Georgia Statutes §§43-34-37(a)(7) & (10) and §§43-1-19 (6) & (8) and Board Rule 360-2-.09.

2. More particularly, the Georgia Board found that the following constituted failures by Respondent to conform to the minimal standards of acceptable and prevailing medical practice:

- Respondent failed to document the size of the cyst supporting the need for the wedge resection she performed on patient J.L.B.
- Respondent failed to refer patient K.R.A. for a laparoscopy and performed a wedge resection which was not indicated.
- Respondent failed to document patient S.L.R.'s need for surgery through records of a good history and physical and failed to do a diagnostic workup other than a negative ultrasound.
- Respondent failed to document that she properly evaluated patient L.B.C.'s cystocele or rectocele or made any effort to repair either and failed to document the description of the breast nodule.
- Respondent failed to document an adequate history and physical prior to surgery to support the need for the exploratory laparotomy she performed on patient P.G.R. and failed to treat the patient conservatively with more diagnostic workup prior to surgery.
- Respondent failed to adequately document in pre-surgical records patient J.L.E.'s bleeding patterns, pelvic pain or uterus size which would support the hysterectomy Respondent performed.

- Respondent failed to document a history and physical of patient F.W. to show justification for the D & C and hysterectomy Respondent performed.
- Respondent failed to document, with regard to patient P.L.G., an adequate history, an adequate description of bleeding patterns and an adequate description of the pelvic examination and performed a hysterectomy and removed the left ovary which were not indicated.
- Respondent failed to document, with regard to Patient D.M.S., an adequate history and a description of the frequency of bleeding and performed a hysterectomy which was not indicated.

3. The Georgia Board placed Respondent on probation for two years under terms which included, inter alia, the requirements that Respondent secure a confirming second opinion from a gynecological surgeon before practicing gynecological surgery during the first year of probation, that Respondent permit the inspection of her office and hospital records by the Board, and that Respondent complete one hundred hours of continuing education. The Georgia Board also imposed a fine of five hundred dollars.
4. The conduct upon which the Georgia Board found Respondent guilty of unprofessional conduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [practicing with negligence on more than one occasion] and/or §6530(32) [failing to maintain a record for each patient which accurately reflects the


evaluation and treatment of the patient] (McKinney Supp. 1993).

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1993) by reason of her 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:

1. The facts in Paragraphs 1 through 4.

DATED: Albany, New York
September 19, 1993



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

EXHIBIT B

TERMS OF PROBATION

MARGARITA GUZMAN, M.D.

1. 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 ethical and professional standards imposed by law and her profession.
2. Respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 [hereafter "OPMC"] of any employment and practice, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence or telephone number within or without New York State.
3. Respondent shall submit to OPMC, no later than the first three months of the period of probation, 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 with regard to said registration fees.
4. Respondent shall submit to OPMC, no later than the first two months of the period of probation, written proof that (a) 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 medicine in New York State and does not desire to register and that (b) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or the Board of Regents.
5. Respondent shall cooperate with a Medical Coordinator of OPMC or other physician, designated by the Director of OPMC, who may six times during the first year of probation and three times or, in the discretion of the Medical Coordinator or other physician, up to six times during the second and third years of probation, review Respondent's practice of medicine. Such reviews may include, without limitation and at the direction of the Medical Coordinator or other physician, interviews with Respondent, random review of Respondent's patient records, observation of Respondent's treatment of patients or any other reasonable means of reviewing Respondent's practice of medicine. Respondent's cooperation shall include, without limitation, providing, on a regular

basis at the direction of the Medical Coordinator or other physician, the names, medical treatment or evaluation provided, and/or the medical records of patients Respondent has seen.

6. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.
7. Respondent, so long as there is full compliance with every term herein, may practice her profession in accordance with the Terms of Probation; provided, however, that upon receipt of evidence of noncompliance with or violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized by the Public Health Law.