

DOH STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

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

Dennis P. Whalen
May 2, 1997 *Executive Deputy Commissioner*

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Anne H. Gayle, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001

Edwin Lacuanan, M.D.
3 Demartino Avenue., Yonkers, NY 10701
112 East 167th St., Bronx, NY 10452
2844 Briggs Ave., Bronx, NY 10458
601 West 155th St., New York, NY 10032

RE: In the Matter of Edwin Lacuanan, M.D.

Dear Ms. Gayle and Dr. Lacuanan:

Enclosed please find the Determination and Order (No. BPMC-97-102) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

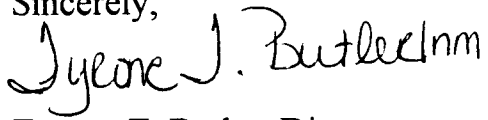
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's
Determination and Order.

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large, stylized "T" and "B".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

COPY

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

IN THE MATTER

-OF-

EDWIN DUMLAO LACUANAN, M.D.

**DECISION
AND ORDER
OF THE
HEARING
COMMITTEE**

**ORDER NO.
BPMC 97-102**

The undersigned Hearing Committee consisting of **F. MICHAEL JACOBUS, M.D., Chairperson, ALVIN RUDORFER, D.O., and MICHAEL A. GONZALEZ, R.P.A.,** was duly designated and appointed by the State Board for Professional Medical Conduct. **JONATHAN M. BRANDES, Esq.,** Administrative Law Judge, served as Administrative Officer.

The hearing was conducted pursuant to the provisions of Section 230(10) of the New York State Public Health Law and Sections 301-307 and 401 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of provisions of Section 6530 of the New York Education Law by **EDWIN DUMLAO LACUANAN, M.D.** (hereinafter referred to as "Respondent"). Respondent did not appear. No witnesses were examined. A stenographic record of the hearing was made. Exhibits were received in evidence and made a part of the record.

The Committee has considered the entire record in the above captioned matter and hereby renders its decision with regard to the charges of medical misconduct.

RECORD OF PROCEEDING

Notice of Hearing and Statement of Charges:	Dated: March 26, 1997	Served: April 2, 1997
Notice of Hearing returnable:	April 30, 1997	
Location of Hearing:	5 Penn Plaza, New York, New York	
Respondent's answer :	Default	
The State Board for Professional Medical Conduct (hereinafter referred to as "Petitioner" or "The State") appeared by:	ANNE H. GAYLE, Esq. Associate Counsel Bureau of Professional Medical Conduct 5 Penn Plaza Room 601 New York, New York 10001	
Respondent's last known addresses:	3 Demartino Ave. ,Yonkers, N.Y., 10703 112 East 167th St.. Bronx, N.Y., 10452 2844 Briggs Ave., Bronx, N.Y., 10458 601 West 155th St., New York, N.Y., 10032	
Respondent's License:	License Date: May 14, 1984	License Number: 158206
Pre-Hearing Conference Held:	None	
Hearings held on:	April 30, 1997	
Conferences held on:	None	
Closing briefs received:	None	
Record closed:	April 30, 1997	
Deliberations held [All Panel Members Present]:	April 30, 1997	

SUMMARY OF PROCEEDINGS

The Statement of Charges in this proceeding alleges a three specifications of misconduct. Respondent is alleged to have had inappropriate physical contact with two patients. The said charges arise from the treatment of two patients in 1995. The charges herein are more particularly set forth in the Statement of Charges, which is attached hereto as Appendix One.

Respondent did not appear in person, by attorney or in writing.

Petitioner called no witnesses.

SIGNIFICANT LEGAL RULINGS

1. The Administrative Law Judge ruled that Petitioner had established proper service upon Respondent under the appropriate statute.
2. The Administrative Law Judge ruled that jurisdiction of Respondent was established.
3. The Administrative Law Judge ruled that Respondent was in default.

FINDINGS OF FACT

1. The Committee adopts the factual statements set forth on pages one and two of the Statement of Charges (Appendix One).

CONCLUSIONS
WITH REGARD TO
FACTUAL ALLEGATIONS
AND
PENALTY

Respondent was given notice of this proceeding and an opportunity to be heard in opposition or mitigation of the charges. Respondent did not avail himself of this opportunity. The failure of Respondent to answer the charges herein constitutes an admission of the charges, as set forth in the Statement of Charges. Therefore, Respondent has admitted to two acts of contact with female patients for other than medical purposes. Physical contact with a patient for other than medical reasons constitutes fraudulent practice, willful harassment, abuse and intimidation of a patient and moral unfitness. The fraud arises because Respondent willfully misrepresented the reasons for physical contact with the patients. The patients were led to believe that they were engaged in a medical examination. In fact however, Respondent had other than medical purposes in mind when he touched the patients herein. In addition to fraud, the physical contact herein constitutes harassment, abuse and intimidation of the patients. There was no consent for the type of contact herein. It therefore follows that the patients herein were violated in their personal privacy. This constitutes harassment, abuse and intimidation by any reasonable standard. Finally, having found fraud and inappropriate physical contact, it follows that Respondent is also guilty of moral unfitness. Under any reasonable view of morality, both in the medical as well as the societal sense, misleading a person into a private place for inappropriate contact of a clearly sexual nature is a clear violation of moral standards. Persons who would commit the acts proven in this proceeding have no place in the medical profession. Therefore the Committee will revoke Respondent's license to practice medicine.

ORDER

WHEREFORE, Based upon the preceding facts and conclusions,

It is hereby **ORDERED** that:

1. The Factual allegations in the Statement of Charges are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

2. The Specifications of Misconduct contained within the Statement of Charges (Appendix One) are **SUSTAINED**;

Furthermore, it is hereby **ORDERED** that;

3. The license of Respondent to practice medicine in the State of New York is hereby **REVOKED**;


Furthermore, it is hereby **ORDERED** that;

4. This order shall take effect **UPON RECEIPT** or **SEVEN (7) DAYS** after mailing of this order by Certified Mail.

Dated:
New York, New York

4/30

1997


F. MICHAEL JACOBIUS, M.D., Chairperson

ALVIN RUDORFER, D.O.
MICHAEL A. GONZALEZ, R.P.A.

TO:

ANNE H. GAYLE, ESQ.

Associate Counsel

Bureau of Professional Medical Conduct

5 Penn Plaza, suite 601

New York, N.Y. 10001

EDWIN LACUANAN, M.D.

3 Demartino Ave., Yonkers, N.Y., 10703

112 East 167th St., Bronx, N.Y., 10452

2844 Briggs Ave., Bronx, N.Y., 10458

601 West 155th St., New York, N.Y., 10032

APPENDIX ONE

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

IN THE MATTER
OF
EDWIN DURLAO LACUANAN, M.D.

STATEMENT
OF
CHARGES

Edwin Dumlao Lacuanan, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 14, 1984, by the issuance of license number 158206, by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A, a then 17 year old female, at Respondent's office which was located at 2844 Briggs Avenue, Bronx, New York 10452. On or about August 14, 1995, in the course of a purported physical examination but not for a proper medical purpose, while Patient A was lying on the examination table Respondent touched Patient A inappropriately as follows:
1. Respondent repeatedly and forcibly moved his ungloved, unwashed finger in and out of the Patient's vagina, for a period of at least 5-6 minutes.
 2. Respondent rubbed the Patient's clitoris.
- B. Respondent treated Patient B, a then 33 year old female, at Respondent's office which was located at 2844 Briggs Avenue, Bronx, New York 10452, on two occasions in September 1995. On or about September 27, 1995, in the course of a purported physical examination but not for a proper medical purpose, Respondent engaged in the following inappropriate conduct:

1. Respondent closed the examining room door, propped a stool under the doorknob preventing the door's opening, and proceeded to move his fingers in and out of the Patient's vagina for a period of approximately 10 minutes.
2. While engaged in the conduct described in Paragraph B1, above, Respondent exposed his penis and masturbated.

SPECIFICATION OF CHARGES

FIRST AND SECOND SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1997) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A and its subparagraphs.
2. Paragraph B and its subparagraphs.

THIRD AND FOURTH SPECIFICATION

WILLFULLY HARASSING, ABUSING AND INTIMIDATING PATIENTS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 1997) by willfully harassing, abusing, or intimidating a Patient B either physically or verbally, as alleged in the facts of:

3. Paragraph A and its subparagraphs.
4. Paragraph B and its subparagraphs.

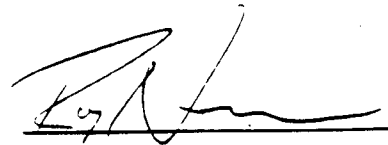
FIFTH AND SIXTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1997) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

5. Paragraph A and its subparagraphs.
6. Paragraph B and its subparagraphs.

DATED: March 26, 1997
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct