



**Board for Professional Medical Conduct**

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

October 20, 1992

**C. Maynard Guest, M.D.**  
Executive Secretary

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Joseph A. Laguna, M.D.  
1630 Pond View Court  
Palm Harbor, Florida 34683

RE: License No. 160994

Dear Dr. Laguna:

Enclosed please find Order #BPMC 92-88 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 12237-0614

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 1245  
Albany, New York 12237

Sincerely,

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

Enclosure

cc: E. Marta Sachey, Esq.

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

-----X

IN THE MATTER :  
OF : ORDER  
JOSEPH A. LAGUNA, M.D. : BPMC 92-88

-----X

Upon the Application of JOSEPH A. LAGUNA, 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: 15 October 1992

Charles J. Vacanti  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
JOSEPH A. LAGUNA, M.D. : CONSENT  
: ORDER  
-----X

JOSEPH A. LAGUNA, M.D., being duly sworn, deposes and  
says:

1. I was authorized to practice medicine in New York State on or about December 17, 1984, by the issuance of license number 160994 by the New York State Education Department. I am currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992 from 2940 Pinewood Run, Palm Harbor, Florida 34684-4919.
2. I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as "Exhibit A."

3. I hereby make this Application to the Board and request that it be granted.
4. I hereby admit guilt to the two specifications of professional misconduct set forth in the Statement of Charges.
5. I hereby agree to the penalties of
  - (a) A Censure and Reprimand and
  - (b) A fine of two thousand dollars (\$2000.00).
6. I hereby agree to pay the aforesaid fine no later than three months from the effective date of the Order of the Chairperson of the Board issued pursuant to this Application. Such payment shall be made by certified check payable to The New York State Department of Health and directed to the following address:

Fiscal Management Group  
Bureau of Accounts Management  
Room 1245  
Corning Tower Building  
Empire State Plaza  
Albany, New York 12237-0016

I understand that the failure to pay this fine, as set forth herein, may result in the assessment of interest, penalties or collection fees, in the denial of applications to renew my registration to practice medicine with the New York State

Education Department or in such other penalties or procedures as are authorized under New York law.

7. I understand that in the event that 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.

*Joseph A. Laguna*

JOSEPH A. LAGUNA, M.D.  
RESPONDENT

Sworn to before me this  
9<sup>th</sup> day of Oct, 1992.

*Merryann Brunk*  
NOTARY PUBLIC



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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
JOSEPH A. LAGUNA, M.D. : CONSENT  
: ORDER  
-----X

The undersigned agree to the attached Application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 10/8/52

Joseph A. Laguna  
JOSEPH A. LAGUNA, M.D.  
RESPONDENT

Date: 10-13-92

E. Marta Sachey  
E. MARTA SACHEY  
ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: Oct. 19, 1992

Kathleen M. Tanner  
KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 15 October 1992

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
JOSEPH A. LAGUNA, M.D.	:	CHARGES

-----X

JOSEPH A. LAGUNA, M.D., the Respondent, was authorized to practice medicine in New York State on December 17, 1984 by the issuance of license number 160994 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, 1991 through December 31, 1992 from 2940 Pinewood Run, Palm Harbor, Florida 34684-4919.

FACTUAL ALLEGATIONS

1. The State of Florida, Department of Professional Registration, Board of Medicine, by Final Order, effective October 29, 1990, found Respondent guilty of making or filing a report which Respondent knew to be false in violation of Florida Statutes §458.331 (1)(h) and of making deceptive, untrue, or fraudulent representations in the practice of medicine or employing a trick or scheme in the

practice of medicine in violation of Florida Statutes §458.331(1)(k).

2. The Florida Board's findings were based upon Respondent's conduct of producing medical records which he knew to be false and falsifying hospital records. More particularly, in or about September, 1987, Respondent, subsequent to the death of a patient, wrote two false notes in the patient's chart reflecting that Respondent had actually been at the hospital rather than merely calling in during the night preceding the patient's death.
3. The Florida Board reprimanded Respondent and ordered Respondent to pay a \$2,000 fine, to attend twenty hours of continuing medical education courses and to perform fifty hours of community service.
4. The conduct upon which the Florida Board found Respondent guilty of misconduct would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(3) [practicing the profession fraudulently] and/or §6530 (21) [willfully making or filing a false report] (McKinney Supp. 1992)
5. The State of Georgia Composite State Board of Medical Examiners, after issuance of a Notice of Hearing dated June

20, 1991 and by approval of a Consent Order on August 7, 1991, based upon the action of the Florida Board, as detailed in paragraphs 3 through 5, above, determined that Respondent had disciplinary action taken against him by said Florida Board and that action and Respondent's conduct constituted sufficient ground for the imposition of sanctions upon Respondent's license to practice medicine in the State of Georgia under O.C.G.A. Chs. 1 and 34, as amended.

6. The Georgia Board, inter alia, reprimanded Respondent and ordered Respondent to pay a fine.
7. The conduct upon which the Georgia Board took disciplinary action against Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(9)(d) [having been disciplined by another state's professional disciplinary agency] in conjunction with N.Y. Educ. Law §6530(3) [practicing the profession fraudulently] and/or § 6530(21) [willfully making or filing a false report] (McKinney Supp. 1992).

### FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1992) by reason of his 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.

### SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530 (9)(d) (McKinney Supp. 1992) by reason of having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action 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 1 through 7.

DATED: Albany, New York

*October 7, 1992*

*Peter D. Van Buren*

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PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical  
Conduct