



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

March 1, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
Hedley Park Place
433 River Street – Fourth Floor
Troy, New York 12180

Guillermo Eduardo Ordonez, M.D.
200 Butler Street
West Palm Beach, Florida 33407

RE: In the Matter Guillermo Eduardo Ordonez, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-65) 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.

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.

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.

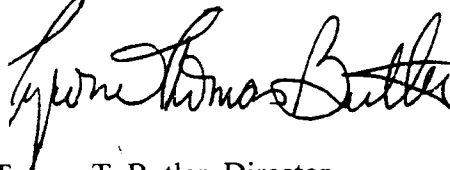
The notice of review served on the Administrative Review Board should be forwarded to:

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, appearing to read "Tyfone T. Butler". The signature is written in a cursive style with a large initial "T".

Tyfone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

COPY

DECISION

AND

ORDER

BPMC-00-65

IN THE MATTER

OF

GUILLERMO EDUARDO ORDONEZ, M.D.

A Notice of Referral Proceedings and Statement of Charges, both dated December 23, 1999 were served upon the Respondent, **GUILLERMO EDUARDO ORDONEZ, M.D.**

CHARLES J. VACANTI, M.D. Chairperson, **PETER KANE, M.D.** and **JAMES MILSTEIN, J.D.**, duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer

A hearing was held on February 16, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent failed to appear.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

FINDING OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page number or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **GUILLERMO EDUARDO ORDONEZ, M.D.**, the Respondent, was authorized to practice medicine in New York state of September 20, 1967, by the issuance of license number 100020 by the New York State Education Department. (Pet's. Ex. 4)

2. On May 7, 1999, the State of Florida, Board of Medicine (hereinafter "Florida Board"), entered a final Order (hereinafter "Florida Order"), that fined Respondent \$500.00 and required that he obtain a score of at least 70% correct on the Laws and Rules Examination, based on his refusal to provide patient records to a patient. (Pet's. Ex. 5)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes unanimously (3-0) that the conduct resulting in the Florida Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state.

VOTE OF THE HEARING COMMITTEE **(All votes were unanimous unless otherwise specified)**

SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by having had disciplinary action taken against him 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.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear for the instant hearing nor did he submit any evidence in mitigation of the charges.

The Hearing Committee determines by a vote of (2-1) that the Respondent should be CENSURED AND REPRIMANDED and ordered to pay a fine of One Thousand (\$1,000.00) Dollars.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent is hereby CENSURED AND REPRIMANDED.
2. A civil penalty in the amount of One Thousand (\$1,000.00) Dollars is assessed against the Respondent. Payment of the civil penalty shall be due within 60 days of the effective date of this Order.

The Respondent shall make payment to the Bureau of Accounts Management, New York State Department of Health, Erastus Corning Tower Building, Room 1258, Empire State Plaza, Albany, New York 12237.

Any civil penalty not paid by the prescribed date shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to that imposition of interest, late payment charges and collection fees; referral to the New

York State Department of Taxation and Finance for collection, and non-renewal of permits or licensee (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32).

3. The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: *Pittsford*, New York

24 February, 2000

Charles J. Vacanti

CHARLES J. VACANTI, M.D., Chairperson

**PETER KANE, M.D.
JAMES MILSTEIN, J.D.**

APPENDIX I

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

**IN THE MATTER
OF
GUILLERMO EDUARDO ORDONEZ, M.D.**

NOTICE
OF
REFERRAL
PROCEEDING

TO: GUILLERMO EDUARDO ORDONEZ, M.D.
200 Butler Street
West Palm Beach, Florida 33407

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 16th day of February, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

2. New York Education Law §6530(40) (failure to provide access by qualified persons to patient information).

SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having had disciplinary action taken against him 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 the Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *Dec 23*, 1999
Albany, New York


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