



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower

The Governor Nelson A. Rockefeller Empire State Plaza

Albany, New York 12237

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

Dennis P. Whalen
Executive Deputy Commissioner

August 2, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Cari Tagdulag Quijano, M.D.
904 Oaktree Road – Suite E
South Plainfield, New Jersey

Cari Tagdulag Quijano, M.D.
366 Westgate Drive
Edison, New Jersey 88817

Cari Tagdulag Quijano, M.D.
833 Poole Avenue – Suite C
South Plainfield, New Jersey 07088-5126

Cari Tagdulag Quijano, M.D.
24 Somutka Court
Carteret, New Jersey 07008

Cari Tagdulag Quijano, M.D.
883 Poole Avenue – Suite 1
Hazlet, New Jersey 07730-2040

Robert Bogan, Esq.
Paul Robert Maher, Esq.
NYS Department of Health
433 River Street – 4th Floor
Troy, New York 12180

RE: In the Matter of Cari Tagdulag Quijano, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-219) 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.

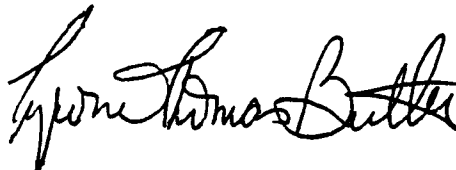
The notice of review served on the Administrative Review Board should be forwarded to:

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 "Tyrone T. Butler". The signature is fluid and cursive, with the first name "Tyrone" being more prominent.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

DETERMINATION

AND

ORDER

BPMC #00-219

IN THE MATTER

OF

CARI TAGDULAG QUIJANO, M.D.

A Notice of Referral Proceeding and Statement of Charges, both dated, May 11, 2000, were served upon the Respondent, **CARI TAGDULAG QUIJANO, M.D.**

EDWARD SINNOTT, M.D., Chairperson, **HOWARD SOHNEN, M.D.** and **MICHAEL GONZALEZ, R.P.A.**, 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 June 19, 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 appeared on his own behalf.

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)(b) and (d). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:

None

For the Respondent:

Cari Tagdulag Quijano, M.D.,
the Respondent

FINDINGS 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 numbers 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. **CARI TAGDULAG QUIJANO, M.D.**, the Respondent, was authorized to practice medicine in New York State on November 10, 1978, by the issuance of license number 136753 by the New York Education Department. (Pet's. Ex. 6).

2. On December 4, 1998, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), reprimanded the Respondent; required him to enroll in and successfully complete an ethics course; to enroll in and successfully complete a course in the prescribing of Controlled Dangerous Substances; and to refrain from prescribing Controlled Dangerous Substances until the New Jersey Board is notified of his successful completion of both courses.

The action by the New Jersey Board was based on a finding that the Respondent failed to exercise the appropriate caution required of a licensed physician who is registered by the DEA to prescribe Controlled Dangerous Substances in safeguarding his prescription

pads. Further, the Board found that the Respondent's record keeping skills to be substandard as evidenced by the review of records provided. (Pet's. Ex. 7).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the New Jersey Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state pursuant to:

- New York Education Law §6530(3) (negligence on one or more occasion);
- New York Education Law §6530(32) (failure to maintain accurate records).

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York State Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional 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.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted by a duly authorized professional 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 record in this case indicates that the New Jersey Board reprimanded the Respondent and ordered him to refrain from prescribing controlled substances until he had successfully completed a course in ethics and a course in the prescribing of Controlled Substances. The action by the New Jersey Board was based on a finding that the Respondent failed to exercise appropriate caution in safeguarding prescription pads and a finding that his record keeping skills were substandard.

The Respondent has fully complied with the New Jersey Order and his prescribing privileges have been fully reinstated.

Based on the record in this case the Hearing Committee determines that the Respondent should be **CENSURED AND REPRIMANDED.**

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondent is **CENSURED AND REPRIMANDED.**
2. This Order shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: Somers, New York

July 27, 2000



**EDWARD SINNOTT, M.D.
Chairperson**

**HOWARD SOHNEN, M.D.
MICHAEL GONZALEZ, R.P.A.**

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

IN THE MATTER

OF

CARI TAGDULAG QUIJANO, M.D.

**NOTICE OF
REFERRAL
PROCEEDING**

TO: CARI TAGDULAG QUIJANO, M.D.
904 Oaktree Road - Suite E
South Plainfield, New Jersey 07080

CARI TAGDULAG QUIJANO, M.D.
366 Westgate Drive
Edison, New Jersey 88817

CARI TAGDULAG QUIJANO, M.D.
833 Poole Avenue – Suite C
South Plainfield, New Jersey 07088-5126

CARI TAGDULAG QUIJANO, M.D.
24 Somutka Court
Carteret, New Jersey 07008

CARI TAGDULAG QUIJANO, M.D.
883 Poole Avenue – Suite 1
Hazlet, New Jersey 07730-2040

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 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 14th day of June, 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.

If you intend to present sworn testimony, the number of witnesses an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before June 5, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before June 5, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court

engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

May 11, 2000



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

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0820

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

IN THE MATTER
OF
CARI TAGDULAG QUIJANO, M.D.

STATEMENT
OF
CHARGES

CARI TAGDULAG QUIJANO, M.D., the Respondent, was authorized to practice medicine in New York state on November 10, 1978, by the issuance of license number 136753 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 4, 1998, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Consent Order (hereinafter "New Jersey Order"), reprimanded the Respondent, required him to enroll in and successfully complete an ethics course, to enroll in and successfully complete a course in the prescribing of Controlled Dangerous Substances, and to refrain from prescribing Controlled Dangerous Substances until the New Jersey Board is notified of his successful completion of both above-described courses.

B. The conduct resulting in the New Jersey Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530 (16) (failure to comply with federal, state, or local laws, rules or regulations governing the practice of medicine); and/or
3. New York Education Law §6530(32) (failure to maintain accurate records).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional 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 A and/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had disciplinary action taken after a disciplinary action was instituted 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 A and/or B.

DATED: *May 11*, 2000
Albany, New York



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