



**Board for Professional Medical Conduct**

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

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

C. Maynard Guest, M.D.  
Executive Secretary

November 16, 1993

Mr. Robert Bentley  
Director  
Division of Professional Licensing Services  
New York State Education Department  
Empire State Plaza-Cultural Education Center  
Albany, New York 12230

RE: License No. 150578  
Effective Date: 11/15/93

Dear Mr. Bentley:

Enclosed please find Order #BPMC 93-108 and the Administrative Review Board decision of the New York State Board for Professional Medical Conduct concerning Dr. Arnaldo Roldan-Roldan.

Please be advised that these two documents of the Hearing Committee and the Administrative Review Board represent a final decision in this matter.

Sincerely,

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

Enclosure



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

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

Paula Wilson  
*Executive Deputy Commissioner*

November 8, 1993

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Arnaldo Roldan-Roldan, M.D.  
4955 Whistlewood Lane  
Westernville, Ohio 43081

Michael Hiser, Esq.  
NYS Department of Health  
Room 2429 Corning Tower  
Empire State Plaza  
Albany, New York 12237

**RE: In the Matter of Arnaldo Roldan-Roldan, M.D.**

Dear Dr. Roldan-Roldan and Mr. Hiser:

Enclosed please find the Determination and Order (No. ARB 93-108) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

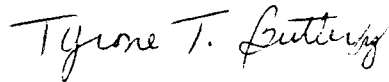
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified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

Office of Professional Medical Conduct  
New York State Department of Health  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 than be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Very truly yours,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:rg  
Enclosure

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

-----X  
:  
IN THE MATTER :  
:  
OF :  
:  
ARNALDO ROLDAN-ROLDAN, M.D. :  
-----X

ADMINISTRATIVE  
REVIEW BOARD  
DETERMINATION  
AND ORDER  
NO. 93-108

The Administrative Review Board for Professional Medical Conduct (hereinafter the "REVIEW BOARD"), consisting of **EDWARD C. SINNOTT, M.D.** and **WILLIAM B. STEWART, M.D.**<sup>1</sup> held deliberations on October 8, 1993 to review the Professional Medical Conduct Hearing Committee's (hereinafter the "HEARING COMMITTEE") July 26, 1993 Determination finding Dr. Arnaldo Roldan-Roldan guilty of professional misconduct and placing him on two years probation. The Office of Professional Medical Conduct (OPMC) requested the review through a Notice of Review which the Board received on August 12, 1993. **JAMES F. HORAN** served as Administrative Officer to the Review Board. Michael A. Hiser submitted a brief for OPMC on September 14, 1993. Dr. Roldan-Roldan did not file a response.

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<sup>1</sup>. Dr. Price and Dr. Sinnott participated in the deliberations by telephone.

### SCOPE OF REVIEW

New York Public Health Law (PHL) Section 230(10)(i), Section 230-c(1) and Section 230-c(4)(b) provide that the Review Board shall review:

- whether or not a hearing committee determination and penalty are consistent with the Hearing Committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL Sec. 230-a.

PHL Sec. 230-c (4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

PHL Sec. 230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

### HEARING COMMITTEE DETERMINATION

OPMC brought this proceeding against Dr. Roldan-Roldan pursuant to Public Health Law Section 203(10)(p) and Education Law Section 6530(9), which provide an expedited hearing in cases in which professional misconduct charges against a physician are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York. The expedited hearing determines the nature and severity of the

penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this matter found that the Department had met its burden of proof in establishing that the State Medical Board of Ohio found the Respondent guilty of professional misconduct in 1988, for instructing, permitting and authorizing an employee to see and examine patients and to sign prescriptions on the Respondent's behalf. The Committee found further that the Ohio Board had revoked the Respondent's license to practice medicine in Ohio, stayed the revocation, and suspended the Respondent from practice for two years.

The Hearing Committee voted to place the Respondent on two years probation in New York State, with the probation to commence when the Respondent establishes residency or practice within New York State. The Committee accepted the Respondent's testimony that the Respondent's misconduct in Ohio had resulted from the Respondent's abuse of alcohol. The Committee found the Respondent remorseful and sincere in the Respondent's attempt to rehabilitate himself from his alcohol related problems. The Committee did not find conclusive evidence, however, that the Respondent's problem with alcohol is in remission, and determined that the Respondent should be monitored for at least two years if the Respondent seeks to practice medicine in New York. The Committee set no standards for such monitoring. The Committee did require that the Respondent attend an Alcoholics Anonymous (AA)

program within New York State, a minimum of once a week, during the two year probationary period.

#### **THE REQUEST FOR REVIEW**

The OPMC has asked that the Review Board modify the Hearing Committee's Penalty, because the Committee's penalty is not consistent with the Committee's findings, because the penalty does not require monitoring of the Respondent's practice. The OPMC contends that monitoring for two years, under specific terms, is necessary because of the Respondent's past misconduct involving the supervision of employees, and, because the Respondent admitted at the hearing that he has decreased his attendance at AA Meetings and has resumed drinking on occasion. OPMC requests that the Board impose monitoring terms that are similar to those appearing at Appendix 1 of the OPMC brief.

Dr. Roldan-Roldan did not file a response to the OPMC brief. On September 10, 1993 he submitted a letter stating that he did not contest the findings and conclusions of the Hearing Committee and that he intended to conform with the findings of the Board.

#### **THE REVIEW BOARD DETERMINATION**

The Review Board has considered the entire record below and the brief which counsel submitted.

The Review Board votes to sustain the Hearing Committee's Determination that the Respondent was guilty of misconduct based upon the finding of the State Medical Board of Ohio. The

Determination is consistent with the Hearing Committee's findings and conclusions.

The Review has some question as to the exact penalty which the Hearing Committee imposed. The Hearing Committee's Determination at page 4 appears to place the Respondent on two years probation and to require that the Respondent attend AA meetings during the probation. In the same paragraph of page 4 in which the Hearing Committee appears to be allowing the Respondent to practice under probation, however, the Hearing Committee states that the Respondent shall not be eligible to practice in New York State until he has satisfied the requirement that he attend AA meetings during the two years on Probation. In addition, the Hearing Committee's penalty at page 5 states that the Respondent must be monitored for at least two years, but the Committee does not specify any conditions for the monitoring.

The Review Board interprets the Hearing Committee's penalty to be: the Respondent may practice under probation limitations for two years, the probation shall include a requirement that the Respondent attend AA meetings at least once a week and the probation shall include monitoring. Based upon this interpretation, the Review Board sustains the Hearing Committee's Determination to place the Respondent on Probation for two years and to impose monitoring and to require that the Respondent continue to participate in an AA Program which is acceptable to the State Board for Professional Medical Conduct. The Review Board votes further to modify the penalty to add additional probationary



terms, because we feel the existing terms may not be appropriate to protect the public health in this case.

The Hearing Committee found that the Respondent committed misconduct relating to the supervision of employees. The Committee found that the supervisory problems were related to the Respondent's alcohol problem. The Review Board feels that to be consistent with these findings, and to be appropriate to protect the public health, the penalty in this case should assure the Respondent's problems in supervising employees will not reoccur in New York. The Review Board finds that an appropriate penalty to assure no reoccurrence would require probation, with ongoing participation in an approved AA program and monitoring of the Respondent's practice, as the Committee required. In addition to the monitoring and participation in an AA Program, the Review Board votes to limit the Respondent to practicing in a supervised setting during the period of probation. We feel the supervised setting will provide a control over the Respondent and allow the Respondent's superior's to determine whether the Respondent's problems in supervising staff have continued. There would be no such control over the Respondent in private practice.

We vote to limit the monitoring of the Respondent's license to the two year period of probation. The Hearing Committee's determination that the Respondent should be monitored for "at least two years", is not an appropriate penalty because the time period is indefinite and there are no standards for judging

whether the period should be extended. The Respondent shall be monitored under the conditions we specify below.

A. Respondent shall assure that his practice of medicine shall be monitored by a physician (hereafter, "monitor"), licensed to practice medicine in New York State and currently engaged in the practice of medicine, who shall be actively engaged in either internal medicine or primary care. Respondent shall select such a monitor no later than 30 days from the date he resumes practice of medicine in New York State, and Respondent shall apprise the Director of the Office of Professional Medical Conduct of the physician selected. The monitor shall not be a member of Respondent's family. Respondent shall select a successor monitor(s) if that becomes necessary during the term of this agreement.

B. The monitor shall be subject to the approval of the Director of OPMC, shall be aware of and have a copy of these terms of probation, shall submit to the Director of OPMC a curriculum vitae or brief written description of his or her medical education, experience and current practice, and shall submit a written acknowledgement to the Director of OPMC that he or she will serve as a monitor of Respondent's practice of medicine according to the terms of probation. The continuation of the appointment of the initial monitor, as

well as the appointment of any successor monitor, shall be subject to the approval of the Director of OPMC.

C. Respondent shall cooperate with the monitoring of his practice by the monitor. The monitoring shall be conducted on a random basis, of a minimum of 30 patient charts every 3 months. The monitoring shall include, with respect to the patient records reviewed, an assessment of the adequacy and/or appropriateness of Respondent's record keeping practices, prescribing practices, diagnosis, ordering of diagnostic tests, treatment rationales and plans, treatment provided, and referral of patients to other physicians or health care professionals. The monitoring shall include any other reasonable means of monitoring Respondent's practice of medicine, including without limitation, review of additional patient records concerning specific areas of Respondent's practice of medicine and discussions with Respondent of his treatment of patients and his practice of medicine.

D. Respondent shall cause the monitor to submit to the Director of OPMC written quarterly reports regarding the monitoring of Respondent's practice of medicine. The written reports shall include a written assessment of the areas of practice outlined in paragraph (C), above. The written assessment shall also include the monitor's conclusion that

Respondent is practicing medicine with reasonable skill and safety to his patients, and the basis for such a conclusion.

E. In the event the monitor concludes or has reason to believe that Respondent is not practicing medicine with reasonable skill and safety to his patients, the monitor shall immediately notify the Director of OPMC and shall include in the report submitted to the Director of OPMC, identification of the problems or causes for concern in Respondent's practice of medicine, identification of any patient cases involved, copies of the records of such patients, and Respondent's explanation, if any, of the problems or concerns.

F. Respondent understands that payment for the services of persons or other matters referenced in this agreement is Respondent's responsibility.

G. These monitoring provisions shall be effective on the date the director of OPMC approves the physician who shall monitor Respondent's practice of medicine and shall continue for two years thereafter.

**ORDER**

**NOW**, based upon this Determination, the Review Board issues the following **ORDER**:

1. The July 1, 1992 Determination by the Hearing Committee on Professional Medical Conduct finding Arnaldo Roldan-Roldan, M.D. guilty of professional misconduct is hereby sustained.

2. The Hearing Committee's Determination placing Dr. Roldan-Roldan on probation for two years is sustained, except that the terms of probation are modified to include monitoring, as required by this Determination, and to limit the Respondent's practice to a supervised setting during the period of probation.

**ROBERT M. BRIBER**

**MARYCLAIRE B. SHERWIN**

**WINSTON S. PRICE**

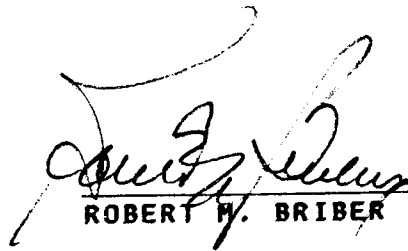
**EDWARD C. SINNOTT, M.D.**

**WILLIAM A. STEWART, M.D.**

IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Roldan-Roldan.

DATED: Albany, New York  
October , 1993

  
ROBERT M. BRIBER

IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct concurs in the Determination and Order in the Matter of Dr. Roldan-Roldan.

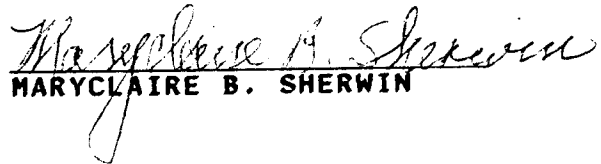
DATED: Brooklyn, New York  
October , 1993

  
\_\_\_\_\_  
Winston S. Price, M.D.

IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Roldan-Roldan.

DATED: Malone, New York  
October 31, 1993

  
MARYCLAIRE B. SHERWIN



IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Roldan-Roldan.

DATED: Roslyn, New York  
October 30, 1993

  
EDWARD C. SINNOTT, M.D.

IN THE MATTER OF ARNALDO ROLDAN-ROLDAN, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the result in the Determination and Order in the Matter of Dr. Roldan-Roldan.

DATED: Syracuse, New York  
October , 1993

  
WILLIAM A. STEWART, M.D.



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

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

Paula Wilson  
*Executive Deputy Commissioner*

July 26, 1993

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Michael Hiser, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Empire State Plaza  
Corning Tower - Room 2429  
Albany, New York 12237

Arnaldo Roldan-Roldan, M.D.  
4955 Whistlewood Lane  
Westernville, Ohio 43081

**RE: In the Matter of Arnaldo Roldan-Roldan, M.D.**

Dear Mr. Hiser and Dr. Roldan:

Enclosed please find the Determination and Order (No. BPMC-93-108) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon 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:

New York State Department of Health  
Office of Professional Medical Conduct  
Corning Tower - Fourth Floor (Room 438)  
Empire State Plaza  
Albany, New York 12237

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 than 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 (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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  
Corning Tower -Room 2503  
Empire State Plaza  
Albany, New York 12237-0030

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.

Very truly yours,

A handwritten signature in cursive script, reading "Tyrone T. Butler". The signature is written in dark ink and is positioned above the typed name and title.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:crc  
Enclosure

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

-----X  
IN THE MATTER :

OF :

ARNALDO ROLDAN-ROLDAN, M.D. :

HEARING  
COMMITTEE'S  
DETERMINATION  
AND ORDER

: NO. BPMC-93-108  
-----X

A Notice of Hearing and Statement of Charges, both dated April 27, 1993 were served upon the Respondent, Arnaldo Roldan-Roldan, M.D. DAVID T. LYON, M.D. (Chairperson), JOSEPH E. GEARY, M.D. and SISTER MARY THERESA MURPHY, S.S.J. 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. Benjamin J. Migliore, Administrative Law Judge, served as the Hearing Officer. A hearing was held on June 2, 1993 at the New York State Department of Health, Corning Tower Building, Empire State Plaza, 25th Floor Conference Room, Albany, New York. The Department of Health appeared by Michael Hiser, Assistant Counsel. The Respondent appeared and represented himself. Evidence was received and a transcript of this proceeding was made.

#### STATEMENT OF CASE

The proceeding 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 New York Education Law, Section 6530(9). In such cases, 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 the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to N.Y. Education Law, Section 6530(9)(b) (McKinney Supp. 1993). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order (Appendix I).

#### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. The 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.

1. Arnaldo Roldan-Roldan, M.D. was authorized to practice medicine in New York State on June 25, 1982 by the issuance of license number 150578 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. (Pet. Ex. #1 and #3)

2. On July 13, 1988, the State Medical Board of the State of Ohio (hereafter "Ohio Medical Board") issued an Order regarding the professional conduct of the Respondent. The Order

of the Ohio Medical Board found Respondent guilty of improper professional practice in that he had instructed, permitted and authorized an employee to see and examine patients and to sign prescriptions on Respondent's behalf. The Ohio Medical Board concluded that Respondent had violated various sections of the Ohio Revised Code. (Pet. Ex. #1 and #3)

3. The Ohio Medical Board found Respondent guilty of conduct that was grounds for discipline and thus ordered that the license of Respondent to practice medicine and surgery in the State of Ohio be revoked. The revocation was stayed, and Respondent's license was then suspended for a period of two years, during which time Respondent was not eligible to practice medicine, or to prescribe, administer, order and dispense controlled substances. The Ohio Medical Board also imposed requirements for reinstatement of Respondent's certificate to practice medicine. (Pet. Ex. #1 and #3)

#### **CONCLUSIONS OF LAW**

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee.

The Hearing Committee unanimously concluded that the Department of Health had met its burden of proof. The preponderance of the evidence clearly demonstrated that the Respondent's conduct underlying the Order and penalty issued by the Ohio Medical Board constituted misconduct under N.Y. Education



Law, Section 6530(9)(b).

The Hearing Committee, therefore, sustained the Specification of misconduct contained in the Statement of Charges.

#### **DETERMINATION AS TO PENALTY**

The Hearing Committee pursuant to the Findings of Fact and Conclusions of Law, set forth above, unanimously determined that Respondent's medical license be suspended for two years. Such suspension is stayed, and Dr. Roldan-Roldan is placed on probation for a two (2) year period. The two (2) year probationary period shall commence when Respondent establishes residency or practice within New York State. Until such event occurs, the two (2) year probationary period shall be tolled. Additionally, the Hearing Committee determined that Dr. Roldan-Roldan shall not be eligible to practice medicine in this State unless and until he meets the requirement that he attend an Alcoholic Anonymous program within New York State, a minimum of once a week, during the two year probationary period. The program must be found acceptable by the State Board for Professional Medical Conduct.

The Committee's determination as to penalty took into consideration that the Respondent, through his testimony at the hearing, appeared remorseful and sincere in his attempt to rehabilitate himself since the incident in Ohio. He admitted that he had a problem with alcohol and had voluntarily attended an Alcoholic Anonymous Program in Ohio. However, he believed that

his problem with alcohol was in remission. The Committee believes that since it had no conclusive evidence that such alcohol problem was actually in remission, the Respondent must be monitored for at least two years should he seek to practice medicine in this State.

An important mitigating factor was that Respondent has been and is currently in compliance with all the terms and conditions of Consent Order entered by the State Medical Board of Ohio. (Resp. Ex. #A) The Committee believes that successful completion of the probationary term and condition will enable Respondent to restore his medical practice to the ethical standards expected of members of the profession in this State.

**ORDER**

Based upon the foregoing, it is hereby ordered that:

1. The Specification of professional misconduct contained within the Statement of Charges is **sustained**; and
2. Respondent's license to practice medicine in New York State shall be subject to the terms and conditions as set forth herein.

**DATED: SCHENECTADY, NEW YORK**

~~JUNE~~ 19, 1993  
July



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**DAVID T. LYON, M.D.**  
Chairperson

**JOSEPH E. GEARY, M.D.**  
**SISTER MARY THERESA MURPHY**

**TO: Arnaldo Roldan-Roldan, M.D.**  
4955 Whistlewood Lane  
Westernville, Ohio 43081

Michael Hiser, Esq.  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2438  
Empire State Plaza  
Albany, New York 12237

APPENDIX I

*W. G. ...* EX. 1 70 ✓ *EV* ✓  
CARL W. G. ...D

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

-----X  
: IN THE MATTER : NOTICE OF  
: OF : REFERRAL  
: ARNALDO ROLDAN-ROLDAN, M.D. : PROCEEDING  
: :  
-----X

TO: ARNALDO ROLDAN-ROLDAN, M.D.  
4955 Whistlewood Lane  
Westernville, Ohio 43081

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 2nd day of June, 1993 at 10:00 o'clock in the forenoon of that day at Room 2509, Corning Tower Building, Empire State Plaza, Albany, New York 12237.

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 and 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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: NANCY MASSARONI, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before May 25, 1993 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before May 25, 1993 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

*April 27, 1993*

*Peter D. Van Buren*

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

Inquiries should be addressed to:

Michael Hiser  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
Bureau of Professional Medical Conduct  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282



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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
ARNALDO ROLDAN-ROLDAN, M.D. : CHARGES  
-----X

ARNALDO ROLDAN-ROLDAN, M.D., the Respondent, was authorized to practice medicine in New York State on June 25, 1982, by the issuance of license number 150578 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last known registered address was 200 Napoleon Street, Huntsville, Ohio 43324.

FACTUAL ALLEGATIONS

A. On July 13, 1988, the State Medical Board of the State of Ohio (hereafter "Ohio Medical Board") approved and confirmed Findings of Fact, Conclusions of Law, and an Order regarding the professional conduct of the Respondent. By Entry of Order dated July 13, 1988, the Ohio Medical Board found Respondent guilty of conduct that was grounds for discipline, and thus ordered that the license of Respondent to practice medicine and surgery in the State of Ohio be revoked. The revocation was stayed, and

Respondent's license was then suspended for a period of two years, during which time Respondent was not eligible to practice medicine, or to prescribe, administer, order and dispense controlled substances. The Ohio Medical Board also imposed requirements for reinstatement of Respondent's certificate to practice medicine.

B. The Findings of Fact as approved and confirmed by the Ohio Medical Board stated that Respondent had instructed, permitted, and authorized a certain employee to see and examine patients and to sign prescriptions on Respondent's behalf for those patients. On at least two occasions, the employee saw two patients without the Respondent being present and wrote prescriptions for dangerous drugs for those patients. The employee signed Respondent's name to the prescription form at the instruction of and with the permission and consent of Respondent on both occasions.

C. The Conclusions of Law as approved and confirmed by the Ohio Medical Board found that:

1. Respondent had violated sections 4731.22(B)(1) and (B)(2) of the Ohio Revised Code by instructing and authorizing his employee to see and examine patients and to prescribe drugs by signing Respondent's name to prescriptions.
2. Respondent had violated Section 4731.22(B)(6) of the Ohio Revised Code by instructing and authorizing his employee to see patients and prescribe drugs by signing Respondent's name to prescriptions.

3. Respondent sold, prescribed, or administered drugs for other than legal and legitimate therapeutic purposes, as defined in section 4731.22(B)(3) of the Ohio Revised Code.

D. Respondent's conduct, as described in the findings of fact, and as approved and confirmed by the Ohio Medical Board, was the conduct upon which the finding of guilt of improper professional practice or professional misconduct was based. That conduct would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. Law §§6530(2) (practicing fraudulently); 6530(3) (practicing with negligence on more than one occasion); 6530(4) (practicing with gross negligence on a particular occasion); 6540(5) (practicing with incompetence on more than one occasion); 6530(6) (practicing with gross incompetence); 6530(11) (permitting, aiding or abetting an unlicensed person to perform activities requiring a license); 6530(16) (a willful or grossly negligent failure to comply with state laws); 6530(25) (delegating professional responsibilities to a person not qualified to perform them); 6530(32) (failing to maintain a record for each patient), and/or 6530(33) (failing to exercise appropriate supervision over persons who are authorized to practice only under supervision).

SPECIFICATION OF CHARGES

HAVING BEEN FOUND GUILTY OF IMPROPER  
PROFESSIONAL PRACTICE OR PROFESSIONAL  
MISCONDUCT BY A DULY AUTHORIZED  
PROFESSIONAL DISCIPLINARY AGENCY  
OF ANOTHER STATE

Respondent is charged with 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, within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1993) [formerly N.Y. Educ. Law §6509(5)(b)], in that Petitioner charges:

1. The facts in Paragraphs A, B, C and C.1, C and C.2, C and C.3, and D.

DATED: Albany, New York

*April 27, 1993*

*Peter D. Van Buren*

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