



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

March 31, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Christopher J. Salgado, M.D.
Apartment 610
175 N. Water Street
Rochester, NY 14604

RE: License No. 216229

Dear Dr. Selgado:

Enclosed please find Order #BPMC 00-96 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 31, 2000.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Thomas G. Smith, Esq.
Harter, Secrest, & Emery, LLP
700 Midtown Tower,
Rochester, NY 14604-2070

Michael A. Hiser, Esq.

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

IN THE MATTER
OF
CHRISTOPHER JOHN SALGADO, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #00-96

CHRISTOPHER JOHN SALGADO, M.D., (Respondent) says:

That I was authorized to practice medicine in New York State on November 3, 1999, by the issuance of license number 216229 by the New York State Education Department. I am registered for the period November 3, 1999 through October 31, 2001. My current business address is c/o Apartment 610, 175 N. Water Street, Rochester, New York 14604. I will advise the Director of the Office of Professional Medical Conduct of any change of my address so long as I practice in New York or hold a New York medical license.

I understand that the New York State Board for Professional Medical Conduct has investigated allegations that could result in my being charged with six specifications of professional misconduct. A copy of the draft Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit the First Specification, and I do not contest the Fifth Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

That I receive a Censure and Reprimand; that my license to practice medicine in New York State shall be actually suspended for thirty days, beginning 10 days after the effective date

of the order herein; that I shall be on probation for a period of two years after the effective date of the order herein, on such Terms as set out in Exhibit "B", attached hereto; and that I shall enroll in and successfully complete a continuing medical education course in ethics within 6 months following the effective date of the order herein, such course subject to the approval of the Director of the Office of Professional Medical Conduct.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, during any time that Respondent hold a New York medical license, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic

verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue during all times that the Respondent practices medicine in New York State and also while the Respondent possesses a New York medical license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 2000).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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 alleged or 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

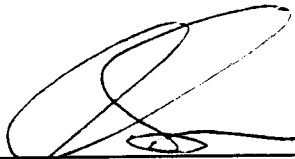
prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

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. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED March 17, 2000



CHRISTOPHER JOHN SALGADO, M.D.
RESPONDENT

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

DATE: March 17, 2000



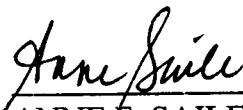
THOMAS G. SMITH, ESQ.
Attorney for Respondent

DATE: 3/20/00



MICHAEL A. HISER
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: March 27, 2000



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
CHRISTOPHER JOHN SALGADO

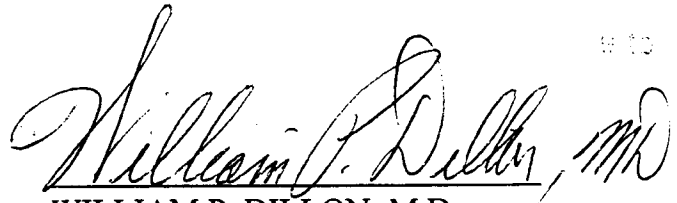
CONSENT
ORDER

Upon the proposed agreement of CHRISTOPHER JOHN SALGADO, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is agreed to and
ORDERED, that the application and the provisions thereof are hereby adopted and
so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may
be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent
at the address set forth in this agreement or to Respondent's attorney by certified mail, or
upon transmission via facsimile to Respondent or Respondent's attorney, whichever is
earliest.

SO ORDERED.

DATED: 3/30/00

 # 13

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
CHRISTOPHER JOHN SALGADO, M.D. : CHARGES

-----X

CHRISTOPHER JOHN SALGADO, M.D., Respondent, the Respondent, was authorized to practice medicine in New York State on November 3, 1999, by the issuance of license number 216229 by the New York State Education Department. Respondent is registered for the period November 3, 1999 through October 31, 2001, with a registration address of Apartment 610, 175 N. Water Street, Rochester, New York 14604.

FACTUAL ALLEGATIONS

A. Respondent, in the evening of June 19, 1999, met a 25 year old woman, "Person A" (identified in Appendix A) at a bar in Rochester, New York known as "The Tonic". Respondent had not met "Person A" before that night, and she was not Respondent's patient. In the course of the evening, Person A indicated to Respondent that she was another physician's patient, and that her prescription for Valium had run out. At approximately 2:30 a.m. on June 20, 1999, Respondent placed a telephone call to the Rite Aid Pharmacy, located at 529 Monroe Avenue, Rochester, New York, during which he prescribed 15 tabs of 5 milligram (no refills) of

of Valium, a controlled substance, for Person A. After the prescription was called in to the pharmacy, Respondent and Person A went to Respondent's residence and engaged in sexual relations. Person A obtained the medication later that morning.

B. By prescribing the Valium for Person A on June 20, 1999, Respondent represented that Person A was his patient and that the prescription was being given for a valid medical reason. In fact, this was not true and Respondent knew this was not true.

C. On or about July 17, 1999, Respondent obtained a triplicate prescription form from the Strong Memorial Hospital, Elmwood Avenue, Rochester, New York, Triplicate Pad No. V3178593. Respondent completed it with the name of Person A, and forwarded it to the Rite Aid Pharmacy, 529 Monroe Avenue, Rochester, New York as confirmation of his previously telephoned in prescription. By confirming in writing his prescription of Valium for Person A, Respondent again represented that Person A was his patient and that the prescription had been given for a valid medical reason. In fact, this was not true and Respondent knew this was not true.

D. Respondent, when questioned in November, 1999 by representatives of Strong Memorial Hospital about the circumstances of his prescribing Valium to Person A, stated alternatively (1) that he did not know a patient named Person A, and then (2) that Person A was a "patient" who had

called him to request such medication. In fact, both statements were false, and Respondent knew this.

E. Respondent, when questioned on or about December 15, 1999 by representatives of the Office of Professional Medical Conduct about the circumstances of his prescribing Valium to Person A, denied that he had sexual contact with Person A. In fact, this statement was false, and Respondent knew this.

F. Respondent failed to maintain an accurate medical record of his evaluation and treatment of Person A

SPECIFICATIONS

FIRST SPECIFICATION

Gross Negligence

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the following factual allegations:

1. The facts in Paragraph A.

SECOND SPECIFICATION

Gross Incompetence

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(6) by practicing the profession of medicine with gross incompetence on a particular occasion as alleged in the following factual allegations:

2. The facts in Paragraph A.

THIRD SPECIFICATION

Fraudulent Practice

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the following factual allegations:

3. The facts in Paragraphs B, C, D, and/or E.

FOURTH SPECIFICATION

Moral Unfitness

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(20) by reason of conduct which evidences moral unfitness to practice medicine as alleged in the following factual allegations:

4. The facts in Paragraphs A, B, C, D, and/or E.

FIFTH SPECIFICATION

Filing a False Report

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(21) by practicing the profession of medicine by reason of having made and filed a false report as alleged in the following factual allegations:

5. The facts in Paragraph C.

SIXTH SPECIFICATION

Record Keeping

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(32) by practicing the profession of medicine by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient as alleged in the following factual allegations:

6. The facts in Paragraph F.

DATED: *March 20*, 2000
Albany, New York

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

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the 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 licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

7. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.