



Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

August 22, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Carl Saladino, M.D.
6300 North Wickham Road
Melbourne, Florida 32940

License No. 163987

Effective Date: 08/29/95

Dear Dr. Saladino:

Enclosed please find Order #95-187 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.

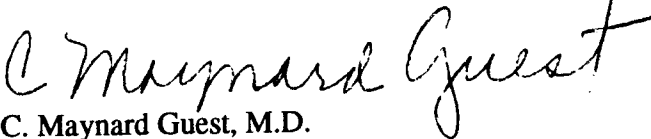
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

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: Joseph Osborne, Esq.
Bobo, Spicer, Ciotoli, Fulford, Bocchino, DeBeroise & LeClainche at Esperante
6th Floor
222 Lakeview Avenue
West Palm Beach, Florida 33401

Frederick Zimmer, Esq.

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

-----x

IN THE MATTER :
OF : ORDER
CARL D. SALADINO, M.D. : BPMC #95-187
Respondent

-----x

Upon the Application of CARL D. SALADINO, M.D. 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: 17 August 1995

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 : APPLICATION
OF : FOR
CARL D. SALADINO, M.D., : CONSENT
Respondent : ORDER
-----X

STATE OF NEW YORK)
COUNTY OF PALM BEACH) ss.:

CARL D. SALADINO, M.D., being duly sworn, deposes and says:
That on or about September 16, 1985, I was licensed to
practice medicine as a physician in the State of New York, having
been issued License No. 163987 by the New York State Education
Department.

I am not currently registered with the New York State
Education Department to practice as a physician in the State of
New York.

I understand that the New York State Board for Professional
Medical Conduct has charged me with one Specification of
professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a
part hereof, and marked as "Exhibit A".

I do not contest the specification of misconduct set forth
in the attached Statement of Charges (Exhibit A).

I hereby agree to the penalty that I shall be assessed a civil penalty in the amount of Three Thousand Five Hundred (\$3,500) Dollars, that I be censured and reprimanded and that I be placed on probation for a period of three years in accord with the Terms of Probation and Monitoring which are annexed hereto and marked Exhibit B. I agree to comply with the Terms of Probation and Monitoring.

The payment of the civil penalty shall be made in four (4) equal installment payments of Eight Hundred Seventy Five (\$875) Dollars each in accordance with the following payment schedule:

<u>INSTALLMENT</u>	<u>DUE DATE</u>
1	90 (number of days
2	180 (following effective
3	270 (date of this order)
4	360

If I fail to pay a part or all of any installment of this civil penalty in a timely manner, then, at the option of the New York State Department of Health the entire balance of the civil penalty shall be due and payable immediately.

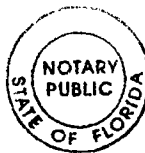
All payments of this civil penalty shall be made to the New York State Department of Health, Fiscal Management Group, Bureau of Accounts Management, Room 1245, Corning Tower Building, Empire State Plaza, Albany, New York 12237-0016.

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.



APRIL DETWILER
My Comm Exp. 2-19-96
Bonded By Service Ins. Co.
No. CC181633

Carl Saladino, M.D.

CARL D. SALADINO, M.D.
RESPONDENT

Sworn to before me this

8 day of August, 1995.
April Bross (Detwiler)
NOTARY PUBLIC

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

-----X
: APPLICATION
IN THE MATTER :
OF : FOR
: CONSENT
CARL D. SALADINO, M.D.,
Respondent : 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: 8/7/95 Carl Saladino, M.D.
CARL D. SALADINO, M.D.
Respondent

DATE: 8/4/95 Joseph Osborne, Esq.
JOSEPH OSBORNE, ESQ.
Attorney for Respondent

DATE: 8/9/95 Frederick Zimmer, Esq.
FREDERICK ZIMMER, ESQ.
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: 8/15/95 Kathleen M. Tanner
KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE: 17 August 1995 Charles J. Vacanti, M.D.
CHARLES J. VACANTI, M.D.
CHAIRPERSON
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
CARL D. SALADINO, M.D., : CHARGES
Respondent :

-----X

CARL D. SALADINO, M.D., the Respondent, was authorized to practice medicine in New York State on September 16, 1985 by the issuance of license number 163987 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. The Florida Agency for Health Care Administration, Board of Medicine (hereinafter the "Florida Board") by a Final Order dated September 30, 1994, adopted a Consent Agreement of July 25, 1994 between Respondent and the Florida Department of Professional Regulation. By the Final Order, Respondent was, among other things, reprimanded and fined in the amount of \$3,500.00. Respondent was also required to have his practice, including his billing system and record keeping, critiqued by an independent certified risk manager and to submit documentation to the Board indicating his compliance with the risk manager's suggestions. Respondent's license to practice medicine was placed on probation for a period of three years subject to certain conditions including the appointment of a monitor who would report to the Florida Board on a quarterly basis.

Respondent was also required to perform 100 hours of community service during the first eighteen months of probation.

B. The conduct resulting in the Florida disciplinary action, as is more particularly set forth in the Administrative Complaint of the Florida Board dated December 10, 1993, included Respondent's failure to practice medicine with an acceptable standard of care, in violation of Florida Statutes, §458.331(1)(t) [gross or repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances], based on Respondent's failure, on or about September 13, 1991, to obtain a medical history and/or conduct a physical examination of Patient 1, and on his inappropriate ordering of tests for Patient 2 during August of 1991, which were excessive and not substantiated by any specific patient complaints or medical facts.

C. The conduct resulting in the Florida disciplinary action also included Respondent's failure to keep written medical records justifying the course of treatment of patients, in violation of Florida Statutes §458.331(1)(m) in that Respondent, during September of 1991, inappropriately failed to document a medical history, the results of a physical examination and the necessity of ordered lab work for Patient 1, and submitted a claim to Patient 1's insurance company indicating a diagnosis of palpitations when Patient 1's medical records did not reflect any complaint and/or diagnosis of palpitations. During August and

September of 1991, Respondent inappropriately failed to document the necessity of lab work ordered for Patient 2 and submitted claims to Patient 2's insurance company indicating diagnoses of shortness of breath and palpitations, hyperlidemia, anemia and chest pain which were not reflected in Respondent's medical records for this patient.

D. The conduct resulting in the Florida disciplinary action also included Respondent's exploitation of a patient for his financial gain including but not limited to the promoting or selling of services, goods, appliances or drugs, in violation of Florida Statutes 458.331(1)(n), in that Respondent, during August and September of 1991, submitted insurance claims for laboratory work services that were never ordered or performed and indicated diagnoses on claim forms to justify the laboratory tests which were not reflected in Respondent's medical records for the patients in question.

E. Respondent admitted that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes (Regulation of Professions and Occupations), as alleged in the Administrative Complaint.

F. The conduct resulting in the Florida disciplinary action, would, if committed in New York State, constitute professional misconduct under the following provisions of New York State law:

1. N.Y. Educ. Law §6530(3) (McKinney Supp. 1995)
[practicing the profession with negligence on more than one occasion] as to Factual Allegation B; and/or

2. N.Y. Educ. Law §6530 (4) (McKinney Supp. 1995)
[practicing the profession with gross negligence on a particular occasion] as to Factual Allegation B; and/or

3. N.Y. Educ. Law §6530 (5) (McKinney Supp. 1995)
[practicing the profession with incompetence on more than one occasion] as to Factual Allegation B; and/or

4. N.Y. Educ. Law §6530(6) (McKinney Supp. 1995)
[practicing the profession with gross incompetence] as to Factual Allegation B; and/or

5. N.Y. Educ. Law §6530 (17) (McKinney Supp. 1995)
[exercising undue influence on a patient, including the promotion of the sales of services, goods, appliances, or drugs in such manner as to exploit the patient for the financial gain of the licensee or third party] as to Factual Allegation D; and/or

6. N.Y. Educ. Law §6530 (20) (McKinney Supp. 1995) [conduct in the practice of medicine which evidences moral unfitness to practice medicine] as to Factual Allegation D; and/or

7. N.Y. Educ. Law §6530 (32) (McKinney Supp. 1995) [failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient] as to Factual Allegations B and/or C.

SPECIFICATION

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having had disciplinary action taken against him by the 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 violation of N.Y. Educ. Law §6530 (9) (d) (McKinney's Supp. 1995) in that the Petitioner charges:

1. The facts in Paragraphs A and B and/or C and/or D, and E and F and F.1 and/or F.2 and/or F.3 and/or F.4 and/or F.5 and/or F.6 and/or F.7.

DATED: *April 24*, 1995
Albany, New York



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

EXHIBIT "B"
TERMS OF PROBATION
AND MONITORING

1. CARL D. SALADINO, M.D, (hereafter, "Respondent") during the three year period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. The period of probation described hereunder will go into effect concurrent with the period of monitoring described in Paragraphs "7" through "10" below.
3. Respondent, during the period of probation, shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
4. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

6. Respondent presently practices medicine in Florida and is not registered to practice medicine in New York. Should Respondent decide to commence the practice of medicine in New York, he will notify the Director of OPMC in writing of this fact at least thirty days before he is to begin practicing in New York. Such notice shall identify the office address from which Respondent will practice medicine in New York.
7. Before Respondent begins the practice of medicine in New York, the Director of OPMC (or designee) must approve a monitor of Respondent's medical practice in New York.
8. For a period of thirty six (36) months after Respondent commences the practice of medicine in New York, beginning with the first day of his practice in New York, Respondent's medical practice shall be monitored by a currently registered, New York licensed physician, who shall be board certified in internal medicine.
 - a. The monitoring physician may be selected by the Respondent, subject, however, to the approval of the Director of OPMC. Such monitoring physician shall acknowledge his/her willingness to comply with these terms of monitoring by executing an acknowledgement provided by the Office of Professional Medical Conduct.
 - b. On a quarterly basis, i.e., every three months, such monitoring physician shall assess, through reviews of Respondent's records, admissions, through conversations with Respondent, and through any other means the monitor believes is appropriate, whether Respondent is practicing medicine in accordance with accepted standards of medical practice. The records noted above shall be randomly selected by the monitor for review.
 - c. The monitoring physician shall submit to OPMC quarterly reports regarding the quality of Respondent's medical practice, and certifying Respondent's compliance with, or detailing his failure to comply with, accepted standards of medical practice. A total of twelve quarterly reports will be required, submitted once every three (3) months of the thirty six (36) month period of monitoring.
 - d. Respondent shall within six months after recommencing practice in New York State have an independent, certified risk manager retained by him review his billing procedures and practices and his method of record keeping. The certified risk manager will submit his findings to OPMC.

- e. Respondent agrees that the costs of complying with all such terms of monitoring will be his responsibility.
9. During the thirty six (36) months that Respondent is being monitored under these terms of probation, Respondent shall be required to maintain medical malpractice insurance coverage with limits of no less than two million dollars per occurrence and six million dollars per policy year, as required by Public Health Law Section 230(18)(b) (McKinney Supp. 1995).
10. The thirty six month period of probation shall be suspended until such time, if any, as Respondent commences the practice of medicine in New York State. Respondent will comply with all other requirements of these terms beginning with the effective date of the Order issued pursuant to this Application.
11. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.
12. Any civil penalty not paid by the date prescribed herein 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 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).
13. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.