

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

IN THE MATTER  
OF  
ADAM SAUCEDO, M.D.

CONSENT  
ORDER  
BPMC No. 01-248

Upon the proposed agreement of Adam Saucedo, 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: 10/11/01

Signature Redaction

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

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

IN THE MATTER  
OF  
ADAM SAUCEDO, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

Adam Saucedo, M.D., (Respondent) says:

That on or about October 25, 1994, I was licensed to practice as a physician in the State of New York, having been issued License No.197642 by the New York State Education Department.

My current address is Address Redaction and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

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

I admit the Third and Fifth Specifications excluding factual allegations I.1 and I.2, and deny the remanding specifications in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. A one year suspension of my medical license, eleven months of such suspension to be stayed;
2. A five year term of probation in accordance with the terms and conditions as set forth in Exhibit B;

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

That, except during periods of actual suspension, 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 continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied; 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 also notify OPMC of every employer within two weeks of employment. 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.

I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29) (McKinney Supp 2001).

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 9/25/01

~~Signature Redaction~~

~~Adam Saucedo, 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: 9/25/01

Signature Redaction  
SHARIF MAHDAVIAN, Esq.  
Attorney for Respondent

DATE: 9/25/01

Signature Redaction  
JUDE BREARTON MULVEY, Esq.  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: 10/9/01

Signature Redaction  
DENNIS GRAZIANO  
Director  
Office of Professional  
Medical Conduct

EXHIBIT A

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

-----X  
IN THE MATTER : AMENDED  
OF : STATEMENT  
ADAM CARLOS SAUCEDO, M.D. : OF  
: CHARGES  
-----X

ADAM CARLOS SAUCEDO, M.D., Respondent, was authorized to practice medicine in New York State on October 25, 1994 by the issuance of license number 197642 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine for the period September 1, 2000, through August 31, 2002, with a registration address of Address Redaction

**FACTUAL ALLEGATIONS**

- A. Respondent, on various occasions from at least on or about January 1997, has been a habitual abuser of alcohol and/or is dependent upon alcohol.
- B. On or about December 18, 1997, the United States of America, Department of the Army (hereinafter "USA"), by a Notification of Limitation of Clinical Privileges, limited Respondent's clinical practice for six (6) months and by a Supervision Plan required Respondent to attend group counseling

meetings and three Alcohol Anonymous meetings per week, and required him to work under the supervision of another physician, based on failure to appear for a mandatory ER physician staff/QA meeting and his lack of truthfulness, in violation of federal law.

- C. The conduct resulting in the USA finding would constitute professional misconduct under the laws of New York State, pursuant to the following sections of New York State law:
1. New York Education Law §6530(16) (failure to comply with federal, state, or local law, rules, or regulations); and/or
  2. New York Education Law §6530(20) (moral unfitness).
- D. Respondent, on or about June 22, 1998 presented for duty as a physician at Landstuhl Regional Medical Center (LRMC) in an apparently intoxicated condition. A whole blood alcohol test administered that day determined Respondent to have a 2.59 mg/ml blood alcohol level.
- E. Respondent, on or about August 5, 1998, filed a Registration Application for the period September 1, 1998 through August 31, 2000 with the New York Education Department. In his application, Respondent answered "yes" to the question:



Since you last registered, has any hospital or licensed facility restricted or terminated your professional training, employment or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct or incompetence or negligence?"

1. Respondent, in explaining his "yes" answer to the above, falsely misrepresented that his clinical privileges had only been "put in abeyance" at Landstuhl Regional Medical Center ("LRMC") due to a "failure to report for duty" on two specific dates. In fact, the action was also based upon his abandonment of responsibilities as a physician, failure to comply with an approved supervision plan, inability to demonstrate current competency commensurate with the level of supervision provided, non-compliance with the LRMC Health Care Provider Program, unprofessional conduct and falsification of his application for clinical privileges, and Respondent knew such facts.
  
2. Respondent, in explaining his "yes" answer to the above, intentionally failed to reveal that his privileges at LRMC had been summarily suspended on or about June 25, 1998, and Respondent knew such facts.

F. Respondent, on or about May 10, 2000, filed a Registration Application for the period September 1, 2000 through August 31, 2002 with the New York State Education Department. Respondent answered "no" to the question,

"[s]ince you last registered, has any hospital or licensed facility restricted or terminated your professional training, employment or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetence or negligence"

1. In fact, Respondent's privileges at LRMC were revoked on or about September 21, 1998, and Respondent knew such facts.

G. On or about December 18, 1989, the Arkansas State Medical Board (hereinafter "Arkansas Board"), by an Order (hereinafter "Arkansas Order"), prohibited Respondent from the practice of medicine in Arkansas until such time as he appears and responds to allegations of possible misconduct based on (1) excessive prescribing of narcotics or habitual forming drugs and/or (2) prescribing a scheduled drug for an alleged patient who was not a patient, where there was not an adequate diagnosis and/or (3) lack of medical need for prescribing said medication.

H. The conduct resulting in the Arkansas 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 law, rules, or regulations);
3. New York Education Law §6530(20) (moral unfitness); and/or
4. New York Education Law §6530(32) (failing to maintain accurate records).

I. Respondent on or about August 5, 1998 filed a Registration Application for the period September 1, 1998 through August 31, 2000 with the New York State Education Department. In his application, Respondent answered "no" to the question:

Since you last registered, has any state other than New York instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence or revoked, suspended, or accepted surrender of a professional license by you?

1. In fact, the Arkansas Board had instituted charges of professional misconduct and/or unprofessional conduct and/or incompetence or negligence dated October 17, 1997, and Respondent knew such facts.
2. The Arkansas Board ordered Respondent to refrain from the practice of medicine indefinitely by Order dated December 18, 1997, and Respondent knew such facts. By virtue of the Arkansas order, Respondent was indefinitely suspended from the practice of medicine in Arkansas.

### SPECIFICATIONS

#### FIRST SPECIFICATION

##### PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(2) by practicing the profession fraudulently or beyond its authorized scope in that Petitioner alleges:

1. The facts in paragraphs E and E.1, E and E.2, F and F.1, I and I.1 and/or I and I.2.

#### SECOND SPECIFICATION

##### IMPAIRMENT

Respondent is charged with professional misconduct as defined by N.Y. Education Law § 6530(7) by practicing the

profession while impaired by alcohol, drugs, physical disability or mental disability, in that Petitioner charges:

2. The facts in paragraph D.

**THIRD SPECIFICATION**

**HABITUAL USE OF ALCOHOL**

Respondent is charged with professional misconduct as defined by N.Y. Education Law § 6530(8) by being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects, in that Petitioner charges:

3. The facts in Paragraph A.

**FOURTH SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(20) by engaging in the practice of medicine which evidences moral unfitness, in that Petitioner charges:

4. The facts in Paragraphs E and E.1, E and E.2, F and F.1, I and I.1 and/or I and I.2.

**FIFTH SPECIFICATION**

**FILING A FALSE REPORT**

Respondent is charged with professional misconduct as defined by N.Y. Education Law §6530(21) by willfully making or filing a false report required by law or by the Department of Health or the Education Department, in that Petitioner charges:

5. The facts in Paragraphs E and E.1, E and E.2, F and F.1, I and I.1 and/or I and I.2.

**SIXTH SPECIFICATION**

**DISCIPLINARY ACTION**

Respondent violated New York Education Law §6530(9)(b) 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 constitute professional misconduct under the laws of New York State, in that Petitioner charges:

6. The facts in Paragraphs G and/or H.

**SEVENTH SPECIFICATION**

**ADJUDICATORY PROCEEDING**

Respondent violated New York Education Law §6530(9)(c) by having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant

to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct under the laws of New York State, in that Petitioner charges:

7. The facts in Paragraphs B and/or C.

DATED: *August 6*, 2001  
Albany, New York

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