



New York State Board for Professional Medical Conduct

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

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

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

June 20, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Renato G. Villafuerte, M.D.
3434 McKelvey Road
Bridgeton, MO 63044

RE: License No. 123307

Dear Dr. Villafuerte:

Enclosed please find Order #BPMC 97-148 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
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: Morris E. Stokes, Esq.
8909 Ladue Road
St. Louis, MO 63124

William J. Lynch, Esq.

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

-----X

IN THE MATTER : CONSENT
OF : AGREEMENT
RENATO GUMILA VILLAFUERTE, M.D. : AND ORDER
: BPMC # 97-148

-----X

RENATO GUMILA VILLAFUERTE, M.D., says:

On or about March 7, 1975, I was licensed to practice as a physician in the State of New York, having been issued license number 122307 by the New York State Education Department.

My current address is 3434 McKelvey Road, Bridgeton, MO 63044 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I admit guilt to the first and second specifications.

I hereby agree to the penalty that my license to practice medicine in New York State shall be suspended until such time as I notify the Director of the Office of Professional Medical Conduct (OPMC) that I am commencing medical practice in New York State. At that time, I shall 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 as Exhibit B. I agree to comply with the Terms of Probation.

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

I agree that, as a condition of this Order, I will maintain current registration of my license with the New York State Education Department, Division of Professional Licensing Services, and pay all registration fees. This condition will remain in effect except during periods of actual suspension, if any, imposed by this Order. This condition shall be in effect beginning thirty days after the effective date of this Order and will continue 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. I understand that any failure by me to comply with this condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that, in the event that the Board does not grant this application, 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 State Board for Professional Medical Conduct grants my application, an order of the Chairperson of the Board shall be issued in accordance with same.

I make this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Renato G. Villafuerte

RENATO GUMILA VILLAFUERTE, M.D.
RESPONDENT

Subscribed before me this

10th day of June ^{CM5} 6/10/97, 1997.

Christine M. Smith

NOTARY PUBLIC *Christine M. Smith*
State of Missouri
County of St. Louis

Commission Expires July 10, 1999

AGREED TO:

DATE:

June 10, 1997

Morris Stokes

MORRIS STOKES, ESQ.
Attorney for Respondent

DATE:

June 13, 1997

William J. Lynch

WILLIAM J. LYNCH
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE:

June 16, 1997

Anne F. Saile

ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

ORDER

Upon the proposed agreement of RENATO GUMILA VILLAFUERTE, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; 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.

DATED: July 2, 1977

Patrick F. Carone

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
RENATO GUMILA VILLAFUERTE, M.D. : CHARGES

-----X

RENATO GUMILA VILLAFUERTE, M.D., the Respondent, was authorized to practice medicine in New York State on March 7, 1975, by the issuance of license number 122307 by the New York State Education Department. Respondent is not currently registered with the New York State Education Department to practice medicine in New York.

FACTUAL ALLEGATIONS

1. On August 14, 1996, Respondent entered into a Settlement Agreement with the Missouri State Board of Registration for the Healing Arts in which he was found guilty of professional misconduct under MO. REV. STAT. § 334.100.2(4)(o) because he had violated a Memorandum of Understanding which he had previously entered into with the Missouri Bureau of Narcotics and Dangerous Drugs. Specifically, Respondent violated a Memorandum of Understanding that he had entered into on March 17, 1992, by failing to maintain a bi-annual inventory of controlled substances and failing to ensure that his dispensing logs contained the initials of the person receiving and dispensing the drugs.

EXHIBIT A

2. Respondent's license has been placed on probation for a period of three (3) years. During this probation, Respondent is able to engage in the practice of medicine provided that he adheres to the terms of probation set forth in the Settlement Agreement including, among other things, compliance with the prior Memorandum of Understanding, maintenance of a separate file containing duplicate copies of all controlled substance prescriptions, submission of written reports, notification of disciplinary status to all facilities where Respondent practices or has privileges and compliance with the provisions of the Missouri laws for the dispensing of controlled substances.

3. The conduct upon which the finding of professional misconduct and the imposition of disciplinary action in Missouri was based, would constitute professional misconduct if committed in New York State under New York Education Law § 6530(29) (McKinney Supp. 1997).

FIRST SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law § 6530(9)(b) (McKinney Supp. 1997) in that he has been found guilty of 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, in that Petitioner charges the facts of paragraphs 1, 2 and 3.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law §6530(9)(d) (McKinney Supp. 1997) in that disciplinary action has been taken against his license 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 the facts of paragraphs 1, 2 and 3.

DATED: *April 24*, 1997
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 (NYSDOH), addressed to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 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. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. 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].
5. 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.

6. 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.
7. 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.
8. During the probationary period, Respondent shall retain duplicate copies of all controlled substance prescriptions, written or authorized by the Respondent, including original telephone prescriptions or telephone authorizations for refills. These copies shall be kept in a file separate from patient charts or files, and shall be maintained in chronological order. Retaining prescription copies only in patients charts or files shall not be in compliance with this paragraph, and shall be deemed a violation of this Consent Agreement and Order. Respondent shall immediately, and without delay, produce this file, containing duplicate copies of all controlled substance prescriptions, for inspection and copying upon request by the Board or its representative.
9. During the probationary period, Respondent shall maintain a record of all drugs prescribed, dispensed, ordered, or administered by Respondent, showing all the following:
 - (1) The name and address of the patient,
 - (2) The date;
 - (3) The character and quantity of the drugs involved, and
 - (4) The diagnosis and purpose for which the drugs were furnished.

Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Board's designee upon request.

10. During the probationary period, Respondent shall comply with all provisions of all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

11. Respondent shall submit written reports to the Board by no later than January 1 and July 1 during each year of the probationary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Agreement. It is the Respondent's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve the Respondent of the obligation to make the required reports.

12. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he/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.