



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Denise M. Bolan, R.P.A.
Vice Chair

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

August 23, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Modesto V. Ordoqui, P.A.
615571
Holmes Work Camp
B 1126L
3182 Thomas Drive
Bonifay, FL 32425

RE: License No. 000582

Dear Mr. Ordoqui:

Enclosed please find Order #BPMC 01-186 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 23, 2001.

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: Robert Bogan, Esq.

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

IN THE MATTER
OF
MODESTO V. ORDOQUI, P.A.
CO-01-06-2879-A

SURRENDER
ORDER
BPMC No. 01-186

MODESTO V. ORDOQUI, P.A., says:

On or about October 8, 1976, I was licensed to practice medicine as a physician assistant in the State of New York having been issued License No. 000582 by the New York State Education Department. My address is #615571, Holmes Work Camp, B 1126 L, 3182 Thomas Drive, Bonifay, FL 32425.

I understand that the New York State Board for Professional Medical Conduct has charged me with three (3) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician assistant in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the three (3) specifications as set forth in the Statement of Charges (Exhibit A).


I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

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


Date: 8/6, 2001



MODESTO V. ORDOQUI, P.A.
Respondent


AGREED TO:

Date: 20 August, 2001



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 20 August, 2001



DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
MODESTO V. ORDOQUI, P.A.
CO-01-06-2879-A

STATEMENT
OF
CHARGES

MODESTO V. ORDOQUI, P.A., the Respondent, was authorized to practice medicine in New York state on October 8, 1976, by the issuance of license number 000582 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 28, 2000, the State of Florida, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), accepted the Voluntary Relinquishment of Respondent's license to practice medicine, based on his unlawful sale of prescriptions for and/or controlled substances.

B. On or about January 8, 2001, the Commonwealth of Pennsylvania, Department of State, State Board of Medicine (hereinafter "Pennsylvania Board"), by an Adjudication and Order (hereinafter "Pennsylvania Order"), revoked Respondent's license to practice medicine and surgery, based on the action of the Florida Board described in Paragraph A above.

C. On or about December 14, 1999, in the Fourth Judicial Circuit Court, Jacksonville, Florida, Respondent was found guilty on a plea of Nolo Contendere of Dangerous Drugs – Sale of Other Unlisted Drugs, in the Third Degree, a felony, and on March 3, 2000, was sentenced to three (3) years confinement, two (2) years probation, drivers license suspension, a \$9999.00 fine, and \$9999.00 restitution.

D. The conduct resulting in the Florida Board 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(2) (practicing the profession fraudulently);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(4) (gross negligence);
4. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
5. New York Education Law §6530(20) (moral unfitness).

E. The conduct resulting in the Pennsylvania Board 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(9)(d) 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, if committed in this state, constitute professional misconduct under the laws of this state.

SPECIFICATIONS

FIRST AND SECOND SPECIFICATIONS

Respondent violated New York Education Law §6530(9)(d) by having surrendered his license or having his license revoked or having other 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 surrender or revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or D.
2. The facts in Paragraphs A, B, D, and/or E.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, in that Petitioner charges:

3. The facts in Paragraph C.

DATED: *August 10*, 2001
Albany, New York


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

ORDER

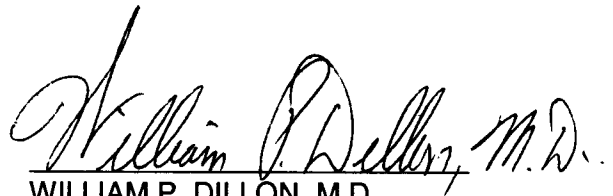
Upon the proposed agreement of **MODESTO V. ORDOQUI, P.A.**, to Surrender his license as a physician assistant in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8/21, 2001


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