



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 7, 2001

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
NYS Department of Health  
Hedley Park Place – 4<sup>th</sup> Floor  
Troy, New York 12180

Guillermo Eduardo Ordonez, M.D.  
2022 Normandy Circle  
West Palm Beach, Florida 33409-7386

Guillermo Eduardo Ordonez, M.D.  
200 Butler Street  
West Palm Beach, Florida 33407

**RE: In the Matter of Guillermo Eduardo Ordonez, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-268) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

IN THE MATTER  
OF  
GUILLERMO EDUARDO ORDONEZ, M.D.

DETERMINATION

AND

ORDER

BPMC #01-268

A hearing was held on October 25, 2001, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Hearing and a Statement of Charges, both dated September 26, 2001, were issued against the Respondent, **Guillermo Eduardo Ordonez, M.D.** **Fred Levinson, M.D.**, Chairperson, **Ernst A. Kopp, M.D.**, and **Ms. Frances Tarlton**, duly designated members of the State Board for Professional Medical Conduct ("the New York Board"), served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Donald P. Berens, Jr., Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent did not appear, either in person or by counsel.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

The First and the Second Specifications of the Statement of Charges were brought pursuant to Public Health Law Section 230(10). This section authorizes the New York

Board to appoint a hearing committee of three of its members to hold an administrative hearing to determine whether a physician has committed professional misconduct, and, if so, to determine the penalty to be imposed.

The Third and the Fourth Specifications of the Statement of Charges were brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee. In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d).

A copy of the Notice of Hearing and the Statement of Charges is attached to this Determination and Order as Appendix 1.

#### **WITNESSES**

For the Petitioner: None

For the Respondent: None

#### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Guillermo Eduardo Ordonez, M.D., the Respondent, was authorized to practice medicine in New York State on September 27, 1967, by the issuance of license number 100020 by the New York State Education Department (Petitioner's Ex. 4).

2. On February 24, 2000, the New York Board issued a Determination and Order ("New York Order"), effective March 8, 2000, requiring the Respondent to pay a \$1,000.00 civil penalty within 60 days of the effective date of the New York Order (Petitioner's Ex. 6).

3. The Respondent has not paid the civil penalty imposed by the New York Order (Petitioner's Ex. 6).

4. On April 17, 2001, the Florida Board of Medicine ("the Florida Board"), by a Final Order ("Florida Order"), revoked the Respondent's license to practice medicine, based on his failure to comply with an order of the Florida Board in a prior proceeding (Petitioner's Ex. 5).

### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes that the conduct of the Respondent in Florida would constitute professional misconduct under the laws of New York State pursuant to New York Education Law Section 6530(29) (violating a term of probation or condition or limitation imposed).

### **VOTE OF THE HEARING COMMITTEE**

#### **FIRST SPECIFICATION**

"Respondent violated New York Education Law Section 6530(16) by willfully or grossly negligently failing to comply with substantial provisions of federal, state, or local laws, rules or regulations, concerning the practice of medicine in that... :

"A. On or about February 24, 2000, the State of New York, Department of Health, State Board for Professional Medical Conduct...by a Decision and Order, effective

on or about March 8, 2000, required Respondent to pay a \$1,000.00 civil penalty within 60 days of the effective date of the New York Order.

“B. To date, Respondent has not paid the \$1,000.00 civil penalty imposed by the New York Board...”

VOTE: Sustained (3-0)

#### SECOND SPECIFICATION

“Respondent violated New York Education Law Section 6530(29) by violating a term of probation or condition or limitation imposed in that... :

“A. On or about February 24, 2000, the State of New York, Department of Health, State Board for Professional Medical Conduct...by a Decision and Order, effective on or about March 8, 2000, required Respondent to pay a \$1,000.00 civil penalty within 60 days of the effective date of the New York Order.

“B. To date, Respondent has not paid the \$1,000.00 civil penalty imposed by the New York Board...”

VOTE: Sustained (3-0)

#### THIRD SPECIFICATION

“Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or 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...”

VOTE: Sustained (3-0)

#### FOURTH SPECIFICATION

“Respondent violated New York Education Law Section 6530(9)(d) by having his license to practice medicine 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 disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

#### HEARING COMMITTEE DETERMINATION

The record in this case indicates that a \$1000.00 civil penalty was imposed on the Respondent by the New York Board by the New York Order, that the deadline for paying the civil penalty was nearly one and one-half years ago, and that the civil penalty has not been paid. Also, On April 17, 2001, the Florida Board revoked the Respondent's Florida license to practice medicine because he had neglected to comply with the terms of a prior order of the Florida Board, which had imposed a \$500.00 civil penalty and required the taking of an examination.

The Respondent did not appear at the hearing. Petitioner's Ex. 2 and 3 document the Petitioner's unsuccessful efforts to serve the Respondent, both personally and by certified mail, with the Notice of Hearing and the Statement of Charges for this hearing. During the hearing, the Administrative Officer ruled that the hearing could proceed despite the absence of service on the Respondent. The reason given by the Administrative Officer for this ruling is that the fault for the failure of service lies with the Respondent. If the Respondent still resides at either of the two addresses where the certified mail was sent, then he should have accepted the certified mail at his home or retrieved it from the Post Office. If the Respondent no longer resides at either of those addresses, then he should have notified the New York State Education Department, the agency that granted him his license, of the change of address. Whichever reason explains the failure of the Respondent to receive notice of the hearing, the responsibility lies with the Respondent and it is he who must bear the negative consequences.

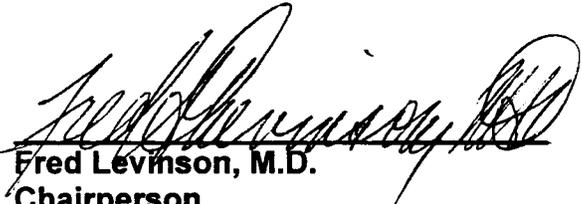
The Petitioner recommended that the Respondent's license be revoked. Since the Respondent did not appear at the hearing, the hearing record contains no evidence regarding mitigation, rehabilitation or any other factor that could serve as a reason for rejecting the Petitioner's revocation recommendation. The recommendation will be adopted.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

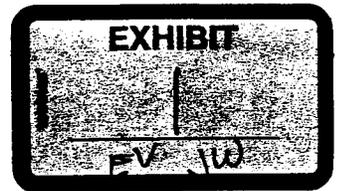
1. The Respondent's license to practice medicine in New York State is revoked.
2. This Order shall be effective upon service on the Respondent by personal service or by certified or registered mail, or upon satisfaction of the requirements of Public Health Law Section 230(10)(h).

**DATED: Middletown, New York**  
*November 5*, 2001

  
**Fred Levinson, M.D.**  
Chairperson

**Ernst A. Kopp, M.D.**  
**Frances Tarlton**

**APPENDIX I**



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

-----X

**IN THE MATTER** : **NOTICE**  
**OF** : **OF**  
**GUILLERMO EDUARDO ORDONEZ, M.D.** : **HEARING**  
**PM-01-02-0900-A; PM-01-06-2757-A**

-----X

**TO:** GUILLERMO EDUARDO ORDONEZ, M.D.  
2022 Normandy Circle  
West Palm Beach, FL 33409-7386

GUILLERMO EDUARDO ORDONEZ, M.D.  
200 Butler Street  
West Palm Beach, FL 33407

**PLEASE TAKE NOTICE:**

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 25th of October, 2001, at 10:00 in the forenoon of that day at the Heldey Park Place, 5th Floor, 433 River Street, Troy, New York, 12180 and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in

order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five(5) days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(c), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten(10) days prior to the date of the hearing. Any Charge and Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*September 26, 2001*

  
PETER D. VAN BUREN  
Deputy Counsel

Inquiries should be directed to:

Robert Bogan  
Associate Counsel  
Division of Legal Affairs  
Bureau of Professional  
Medical Conduct  
433 River Street-Suite 303  
Troy, New York 12180  
(518) 402-0828

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

---

**IN THE MATTER**  
**OF**  
**GUILLERMO EDUARDO ORDONEZ, M.D.**  
**PM-01-02-0900-A; PM-01-06-2757-A**

---

**STATEMENT**  
**OF**  
**CHARGES**

**GUILLERMO EDUARDO ORDONEZ, M.D.**, the Respondent, was authorized to practice medicine in New York state on September 20, 1967, by the issuance of license number 100020 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about February 24, 2000, the State of New York, Department of Health, State Board for Professional Medical Conduct (hereinafter "New York Board"), by a Decision and Order, effective on or about March 8, 2000, required Respondent to pay a \$1,000.00 civil penalty within 60 days of the effective date of the New York Order.

B. To date, Respondent has not paid the \$1,000.00 civil penalty imposed by the New York Board, as described in Paragraph A, above.

C. On or about April 17, 2001, the State of Florida Board of Medicine (hereinafter "Florida Board"), by Final Order (hereinafter "Florida Order"), revoked Respondent's license to practice medicine, based on his failure to comply with a prior Final Order of the Florida Board.

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(16) (willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or

2. New York Education Law §6530(29) (violating a term of probation or condition or limitation imposed).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(16) by willfully or grossly negligently failing to comply with substantial provisions of federal, state, or local laws, rules, or regulations, concerning the practice of medicine, in that the Petitioner charges:

1. The facts in Paragraphs A and/or B.

#### **SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(29) by violating a term of probation of condition or limitation imposed, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

#### **THIRD SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or 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:

3. The facts in Paragraphs C and/or D.

#### FOURTH SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine 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 disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

4. The facts in Paragraphs C and/or D.

DATED: *Sept. 26*, 2001  
Albany, New York

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