

PUBLIC

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

IN THE MATTER
OF
EGISTO SALERNO, M.D.
CO-03-06-2784-A

SURRENDER
ORDER
BPMC No. 03-246

EGISTO SALERNO, M.D., says:

On or about February 25, 1983, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 153248 by the New York State Education Department. I currently reside at 5125 Jumilla Street, San Diego, CA 92124.

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 (1) specification 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 in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification 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.

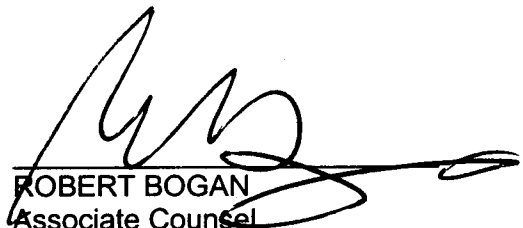
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 9-5-, 2003

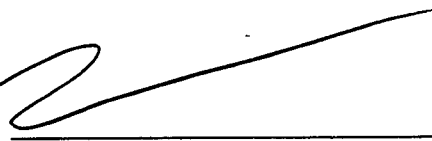

EGISTO SALERNO, M.D.
Respondent

AGREED TO:

Date: 08 September, 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 9/8, 2003


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
EGISTO SALERNO, M.D.
CO-03-06-2784-A

STATEMENT
OF
CHARGES

EGISTO SALERNO, M.D., the Respondent, was authorized to practice medicine in New York state on February 25, 1983, by the issuance of license number 153248 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 22, 2003, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), accepted the surrender of Respondent's Physician's and Surgeon's Certificate, based on unprofessional conduct, violation of drug statute, unlawful use of drug, and violating a condition imposed by the California Board.

B. The conduct resulting in the California 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(8) (being a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects);
2. New York Education Law §6530(20) (moral unfitness); and/or
3. New York Education Law §6530(29) (violating any term of probation or condition imposed).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by surrendering his license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender would constitute professional misconduct under the laws New York state, in that Petitioner charges:

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

DATED: *August 1*, 2003
Albany, New York


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

ORDER

Upon the proposed agreement of **EGISTO SALERNO, M.D.**, to Surrender his license as a physician 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: 9/10, 2003

A handwritten signature in black ink, appearing to read "Michael A. Gonzalez", with a date "9/10" written below it.

Michael A. Gonzalez, R.P.A.
Vice Chair
Board for Professional Medical Conduct