

PUBLIC

IN THE MATTER

OF

MANUEL ROQUE CARRANTO, M.D.  
CO-03-12-5654-A

COMMISSIONER'S  
SUMMARY  
ORDER

TO: MANUEL ROQUE CARRANTO, M.D.  
5657 Arlington Avenue  
Apt. 42  
Riverside, CA 92504

MANUEL ROQUE CARRANTO, M.D.  
Convenience Medical and Surgical Center  
1630 Puente Avenue  
Baldwin Park, CA 91706

The undersigned, Antonia C. Novello, M.D., M.P.H.; Dr. P.H., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Medical Board of California (hereinafter "California Board") has made a finding substantially equivalent to a finding that the practice of medicine by **MANUEL ROQUE CARRANTO, M.D.**, Respondent, licensed to practice medicine in New York state on August 3, 1993, by license number 193170, in that jurisdiction, constitutes an imminent danger to the health, safety, and welfare of its people, as is more fully set forth in documents of the California Board, attached hereto, as Appendix "A," and made a part hereof.

It is, therefore:

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **MANUEL ROQUE CARRANTO, M.D.**, Respondent, shall not practice medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine.

Any practice of medicine in the state of New York or in any other jurisdiction where that practice is dependent on a valid New York state license to practice medicine in violation of this Commissioner's Summary Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530 and may constitute unauthorized medical practice, a felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of California. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct, on a date and at a location to be set forth in a written Notice of Referral Proceeding, together with a Statement of Charges, to be provided to Respondent after the final conclusion of the California proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than those set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth on this Order and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299 via Certified Mail, Return Receipt Requested, of the final conclusion of the California proceeding, immediately upon such conclusion.**

**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 MAY BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY FOR THIS MATTER.**

DATE: Albany, New York

*March 5*, 2004



ANTONIA C. NOVELLO, M.D., M.P.H, Dr. P. H.  
Commissioner

Inquires should be addressed to:

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

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of the Petition for Interim  
Suspension Order Against:

Case No. 17-2002-133641

OAH No. L2003080105

MANUEL ROQUE CARRANTO, M.D.  
5657 Arlington Avenue, #42  
Riverside, California 92504

Physician and Surgeon's  
Certificate No. A 52020

Respondent.

ORDER ON PETITION

FOR ORDER OF INTERIM SUSPENSION

On October 3, 2003, at Los Angeles, California, the Petition of Ron Joseph, Executive Director of the Medical Board of California, Department of Consumer Affairs ("Board") for issuance of an Interim Order of Suspension, came on for hearing before H. Stuart Waxman, Administrative Law Judge with the Office of Administrative Hearings.

Paul C. Ament, Deputy Attorney General, represented Petitioner, Ron Joseph ("Petitioner").

Henry Lewin represented Respondent, Manuel Roque Carranto, M.D. ("Respondent").

The Administrative Law Judge, having read and considered all papers filed in support of and in opposition to the Petition and having heard argument of counsel, now makes the following Factual Findings.

## FACTUAL FINDINGS

1. Petitioner, Ron Joseph, made the Petition in his official capacity as Executive Director of the Medical Board, Department of Consumer Affairs, State of California.

2. According to the Petition, on June 14, 1993, the Board issued Physician and Surgeon's Certificate No. A 52020 to Respondent. Petitioner also alleges that the certificate will expire on May 31, 2003 unless renewed. No independent evidence was offered to support those two claims. However, Respondent did not contest their veracity.

3. Respondent is a 53-year-old general practitioner who immigrated to the United States from the Philippines in 1980. He is unmarried. He resides with and cares for his elderly mother.

4. On or about October 16, 2001; March 4, 2002 and March 30, 2002, Respondent sent letters to the Los Angeles County District Attorney's Office, addressed to "U.S. Department of Justice, U.S. District Attorney, U.S. Assistant District Attorney, Criminal Division, Racketeering Influence (sic) Crime Organization, 320 West Temple, Los Angeles, CA 90026." The letters, and others like them, were written in a rambling, narrative form in which Respondent complained of "harassment," "terrorism," and "intimidation" in connection with his business dealings with one Danny Du, a company named Ultra-Tech, a physician who hired Respondent to work in his clinic following an introduction by Danny Du, and that physician's son. Apparently naïve in business and financial matters, Respondent co-signed a lease for medical equipment for Danny Du, and co-signed another lease for a motorcycle for the physician's son. Both individuals purportedly defaulted on the leases, leaving Respondent liable for the debts. In at least one of the letters to the District Attorney's Office, Respondent also complained about his working conditions in the physician's medical clinic and discussed various patients.

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5. Although the letters merely sought the assistance of the addressees, they contained evidence of bizarre paranoid ideation sufficient to cause the District Attorney's Office to notify the Board about them. Some examples of the paranoid ideation contained in the letters follow:

a. From the October 16, 2001 letter: "I have discovered some startling printed materials which would have been an offer proof (sic) that an act malfeasance (sic) with serious malice have (sic) been on the process without my keen attention. There are documents pertaining to financial statement (sic) with my signature on it but undoubtedly a forged signature including income tax unsigned but with my name on it and a Tax Preparer, responding to the name of Richard Goldstein at 1414 E 4th Street, NY, NY 1004 (sic), a Resume, and a laboratory form specifically designed for me. The above mentioned documents are planted evidence to serve a criminal motive, perhaps in trying to obtain an approval for another lease to an equipment but for whatever purpose this may serve Mr. Danny Du, these documents are fabricated and planted on me and I find them very intimidating and constitute a systematic method of harassment designed to cause a severe psychological pain and sufferings. These acts are undoubtedly and inescapably are (sic) acts of terrorism. In addition, there were missing documents in my personal belongings, the original of which have been sent to your office that were missing on (sic) my file pertinent to my declaration of RICO. These documents and other important belongings were are (sic) safely kept in the trunk of my car."

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b. From the March 4, 2002 letter: "I am writing this letter to your office as a supplement to my previous letter dated February 23, 2002 regarding Ultra Tech and Mr. Danny Du. I have described to you as many as I can the unusual and always very intimidating experience that I had since I got involved with UltraTech. Even at work, I have described to you as many as I can which I have considered totally highly irregular working atmosphere. ¶ "At home, somebody threw a stone at our side window resulting to broken glass enough to change the entire panel. In addition, I have been hearing a lot of 'BOOM!!! BOOM!!!' sound which I presume coming from a microphone attached on the walls and the under surface of our floor in the entire apartment. This 'BOOM!!!' sound comes along twenty four hours a day and at night it aims to disrupt my sleep. Of course, I am very certain that when I asked your office to make a visual inspection of the matter, the entire gadgetry can be easily dismantled on to be reinstalled again. Furthermore, during the period of winter, we have no heat at home and how much more, we have no hot water especially in the bathroom. This hot water is restored currently on this date, but the caliber of the water stream from our kitchen faucet had suffered a marked reduction to a point that there is no water flowing. In addition, the flush in our toilet bowl occurred as if there is a timer and that anyone who used the toilet (sic) had to wait a while to flush it once it is used. ¶ "As far as parking is concerned, I can not park (sic) on the assigned parking space for me because in the beginning there was a car parked (sic) there and I do not want to create any kind of incidence because our window has been broken already. I was forced to park anywhere in the apartment compound which on many occasion (sic) there is always a visitor who could have been competing for me in the said parking space. This parking problem nearly took more than eight months. Now I am able to park at my own parking space on many occasion (sic) but the way the other car open their door, there is a likelihood of denting my car on both sides."

c. From the March 30, 2002 letter after discussing a patient who initially failed to disclose to Respondent that he was an alcoholic: "What is the point? I am being set up for malpractice suit knowing after the fact, that I am being sheltered from Dr. Punzalan's malpractice insurance. ¶ "The usual intrigue of having as many patient (sic) to come in during lunch break and at six o' clock when everybody is about to go home continually going on (sic). These patients stayed at home the entire day and decided to come to the clinic when it is closing time."

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6. On February 3, 2003, Respondent was interviewed by Susan Miller, a Senior Investigator for the Board. In her Declaration (Petitioner's Exhibit 1), she described that interview as follows:

*"On 2-3-03 I interviewed Dr. Carranto at Medical Board offices, Glendale. He told me the following: He currently works at RPM management (sic) 1711 W. Temple St., 5<sup>th</sup> floor, Los Angeles 90026. He has been there since 11-15-02 and works as a primary care physician. He gets paid per patient and most are MediCal or MediCare for which he does not currently have provider numbers. He is in the process of obtaining provider numbers for these types of insurance. He does see some private insurance patients. He used to see about ten patients a day at the clinic but now only sees about five due to the payment issues. He works at RPM two days per week, on Tuesday and Wednesday doing just general medical practice.*

*"Around October 2001, He (sic) complained to the District Attorney's office regarding an acquaintance's possible connection to organized crime. When asked why he felt there was a connection to organized crime, Dr. Carranto stated things began to happen such as hostility at the clinic where he worked and odd occurrences. He clarified these to be 'boom' sounds he heard on occasion and when he would drive he would feel threatened which he thinks is related to the acquaintance. When he drives, especially on the freeway, a car will suddenly appear on his side or another car will not let him merge into a lane. Most of the drivers of these vehicles are Chinese although he did not want to sound biased. Dr. Carranto felt the acquaintance was doing this to pressure him to leave the State and then all the financial problems could be blamed on Dr. Carranto. He stated that after he wrote the letters to the District Attorney and others' offices, the boom sounds stopped. During the past year, he has not heard any of those sounds."*  
(Italics in text.)

7. During the interview with Investigator Miller, Respondent agreed to submit to a voluntary psychiatric examination.

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8. On February 12, 2003, Respondent underwent a voluntary psychiatric examination and evaluation by Doryann M. Lebe, M.D. The evaluation was based on Dr. Lebe's review of documents and two-hour interview covering the presenting problem, present work and personal history, the letters written to the District Attorney's Office, medical history, pertinent past history, family history, education and career history, legal history and mental status examination. In discussing the "boom, boom" noises, Dr. Lebe suggested that they may have been sounds from car radios. Respondent reluctantly conceded that possibility but told Dr. Lebe he believes the sounds stopped because he wrote the letters to the District Attorney's Office.

9. In her Declaration, and in her attached report, (Petitioner's Exhibit 2) Dr. Lebe opined as follows:

"9. Based upon my examination of Dr. Carranto I reached the following conclusions: Dr. Carranto has Paranoid Schizophrenia that is affecting his judgment, behavior and thinking. He is not suicidal or homicidal, but his thought disorder is affecting his judgment and behavior. He represents a danger to patients because of this disorder. Dr. Carranto has an impaired ability to conduct the solo practice of medicine with safety to the public. This is manifested by Dr. Carranto describing the psychiatric interview, his anxiety and indecision about medical diagnoses and medical actions when he was confronted with medical emergencies. He also described an inability to deal with a busy medical practice and an inability to handle anxious and demanding patients. Dr. Carranto described becoming anxious, indecisive and withdrawing from the work. He also described becoming suspicious of others' motives; his paranoia increased.

"10. It is my opinion that Dr. Carranto's Schizophrenia is long standing and ego-systonic, meaning that Dr. Carranto does not see it as a problem. It has affected his life over many years, probably since his early twenties. I would recommend that Dr. Carranto receive psychiatric treatment for his Schizophrenia. Psychiatric management with a trial of medication is indicated."

10. Dr. Lebe also opined that, with psychiatric management, Respondent may be able to practice medicine in a clinic setting.

### LEGAL CONCLUSIONS

1. Respondent is unable to practice safely due to a mental condition by reason of Findings 4, 5, 6, 8, 9 and 10.

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2. Permitting Respondent to continue to engage in the unrestricted practice of medicine will endanger the public health, safety and welfare by reasons of Findings 4, 5, 6, 8, 9 and 10.

3. There is a reasonable probability that Petitioner will prevail in the underlying action by reason of Findings 4, 5, 6, 8, 9 and 10.

4. The likelihood of injury to the public in not issuing the below order outweighs the likelihood of injury to Respondent in issuing the order by reason of Findings 4, 5, 6, 8, 9 and 10.

Respondent argues that an interim order of suspension is not warranted because Respondent's business disputes arose in 2000, he wrote the letters in 2001 and 2002, but the Board did not seek an interim suspension order until August of this year. His argument misses the point. The issue is not whether an interim suspension order was warranted between one and three years ago, but whether it is warranted now. It is for that reason that Government Code section 11529(a) authorizes the issuance of an interim suspension order if a licensee has, or is about to engage in acts or omissions constituting a violation of the Medical Practice Act, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue engaging in his/her profession will endanger the public health, safety, or welfare. In this case, Respondent continued to experience a paranoid thought disorder as recently as February of this year during his interviews with Investigator Miller and Dr. Lebe.

Petitioner seeks a complete suspension of Respondent's certificate. The evidence was insufficient to justify such an Order. Respondent's mental disorder had to be established by expert witness testimony, in this case, the Declaration of Doryann M. Lebe, M.D. In her report and in her Declaration, Dr. Lebe found that Respondent's Paranoid Schizophrenia, particularly as manifested in thought disorders relating to anxiety and indecision concerning medical diagnoses and actions, his inability to deal with a busy medical practice, his inability to handle anxious and demanding patients, his suspiciousness of other people's motives, and anxiety, indecisiveness and withdrawal, rendered him a danger to patients, but only with respect to solo practice. She opined that, with psychiatric management, Respondent may be able to practice in a clinic setting.

Government Code section 11529(a) authorizes the Administrative Law Judge to issue an order imposing license restrictions in lieu of complete license suspension. Although Petitioner sustained his burden of proof that an interim order is warranted, he did not sustain his burden of proof justifying a complete suspension of Respondent's certificate. An interim order imposing restrictions on Respondent's certificate in lieu of an order of outright suspension is warranted in this case.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. Subject to the provisions of Government Code section 11529(a), Respondent's Physician and Surgeon's Certificate No. A 52020 is restricted as set forth below, pending a final determination by the Medical Board of California in an action presently pending against Respondent.
2. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California, and shall remain in full compliance with all of the terms of this Order.
3. Within 30 days of the date of this Order, Respondent shall submit to the Division or its designee for its prior approval the name and qualifications of a psychotherapist of Respondent's choice. Upon approval, Respondent shall undergo and continue treatment until the Division or its designee deems that no further psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly status reports to the Division or its designee. The Division or its designee may require Respondent to undergo psychiatric evaluations by a Division-appointed psychiatrist. The Respondent shall pay the cost of therapy and evaluations.
4. Within 30 days of the date of this Order, and on a periodic basis thereafter as may be required by the Division or its designee, Respondent shall undergo a psychiatric evaluation by a Division-appointed psychiatrist who shall furnish a medical report to the Division or its designee. The evaluation shall be for purposes of medication management as well as any other purposes deemed appropriate by the psychiatrist.
5. If Respondent is required by the Division or its designee to maintain medication management, Respondent shall, within 30 days of the requirement notice, submit to the Division or its designee for its prior approval the name and qualifications of a physician of Respondent's choice. Upon approval of the treating physician, Respondent shall undergo and continue medical treatment until further notice from the Division or its designee. Respondent shall have the treating physician submit quarterly reports to the Division or its designee indicating whether Respondent is capable of practicing medicine safely. Respondent shall pay the cost of the medical evaluation

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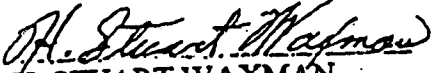
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6. Within 30 days of the date of this Order, Respondent shall submit to the Division or its designee for its prior approval a plan of practice in which Respondent's practice shall be monitored by another physician in Respondent's field of practice, who shall provide periodic reports to the Division or its designee.

If the monitor resigns or is no longer available, Respondent shall, within 15 days, move to have a new monitor appointed, through nomination by Respondent and approval by the Division or its designee.

7. Respondent is prohibited from engaging in solo practice.

DATED: October 8, 2003

  
H. STUART WAXMAN  
Administrative Law Judge  
Office of Administrative Hearings

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