



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

PUBLIC

May 10, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Manuel Roque Carranto, M.D.
5657 Arlington Avenue, Apt. 42
Riverside, California 92504

Robert Bogan, Esq.
NYS Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180

Manuel Roque Carranto, M.D.
Convenience Medical and Surgical Center
1630 Puente Avenue
Baldwin Park, California 91706

RE: In the Matter of Manuel Roque Carranto, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 04-102) 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.

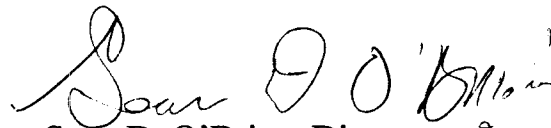
The notice of review served on the Administrative Review Board should be forwarded to:

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 black ink that reads "Sean D. O'Brien". The signature is written in a cursive style with a large initial "S".

Sean D. O'Brien, Director
Bureau of Adjudication

SDO:djh
Enclosure

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

IN THE MATTER
OF
MANUEL ROQUE CARRANTO, M.D.

COPY

DETERMINATION

AND

ORDER

BPMC NO. 04-102

A Commissioner's Summary Order dated March 5, 2004, and a Notice of Referral Proceeding and Statement of Charges, both dated March 19, 2004, were served upon the Respondent, **MANUEL ROQUE CARRANTO, M.D.** **JOSEPH A. MESSINA, M.D.**, Chairperson, **JAMES T. ADAMS, M.D.**, and **MR. CHARLES AHLERS**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **STEPHEN L. FRY, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on April 22, 2004, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.** and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent, although duly notified of the hearing, failed to answer the charges, to appear at the hearing (in person or by counsel) or to present any evidence.

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

This case was brought pursuant to Public Health Law Sections 230(12)(b) and 230(10)(p).

The first cited statute provides, among other things, that when the duly authorized professional disciplinary agency of another state has made a finding substantially equivalent to a finding that the practice of medicine by a licensee in that jurisdiction constitutes an imminent danger to the health of its people, or when a licensee has been disciplined by a duly authorized professional disciplinary agency of another state for acts which if committed in this state would have constituted the basis for summary action by the Commissioner of Health pursuant to paragraph (a) (imminent danger), the commissioner, after recommendation by a committee of professional misconduct, may order the licensee to discontinue or refrain from the practice of medicine in whole or in part or to take other actions immediately.

The latter statute provides for an expedited hearing where 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 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 Commissioner issued a summary order prohibiting Respondent from practicing medicine in New York, based upon the issuance by the

Medical Board of California ("the California Board") of an order containing a finding substantially equivalent to a finding that the practice of medicine by Respondent constituted an imminent danger to the health, safety and welfare of that state's people. In addition, Respondent is charged pursuant to Public Health Law §230(10)(p) with professional misconduct pursuant to Education Law Sections 6530(9)(b) and (d), based upon a condition that would constitute a violation in New York of subdivision (8) (having a psychiatric condition which impairs the ability to practice). Copies of the Commissioner's Order, the Notice of Referral Proceeding and the Statement of Charges are 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. **MANUEL ROQUE CARRANTO, M.D.**, the Respondent, was authorized to practice medicine in New York State on August 3, 1993, by the issuance of license number 193170 by the New York State Education Department (Ex. 7).

2. On October 8, 2003, the California Board issued an Order imposing restrictions on Respondent's license based upon the conclusion that Respondent's psychiatric condition made his unrestricted practice of medicine a danger to the public health, safety and welfare. The restrictions included requirements that he obtain a full psychiatric evaluation within 30 days, that he undergo and continue psychotherapy, and that he maintain medication management if required (Ex. 8).
3. On March 5, 2004, the Commissioner of the New York State Department of Health issued a Commissioner's Summary Order suspending Respondent's New York license on the ground that the California Board had made a finding substantially equivalent to a finding that Respondent's continued practice of medicine presented a imminent danger to the health, safety and welfare of its people (Ex. 1).
4. On March 15, 2004, the Commissioner's Order was served upon Respondent by certified mail. Personal service failed because Respondent had moved from the address to which the notice was directed and left no forwarding address (Ex.'s 2 - 3(a)).
5. On March 2, 2004, the California Board issued an order adopting a proposed decision to revoke Respondent's California license. The Administrative Law Judge concluded that :

Complainant proved by clear and convincing evidence that Respondent suffers from a mental condition that impairs his ability to safely practice medicine. Had Respondent complied with the restrictions set forth in the Order on Petition for an Order of Interim Suspension, it is likely that he could continue to practice in a group setting under proper medication management. However, his failure to comply with all of the restrictions demonstrates either an inability or an unwillingness on Respondent's part to comport himself within a legally and socially appropriate framework. His conduct poses a serious threat to the public health, safety, welfare and interest. That threat cannot be minimized by a probationary order since Respondent has already proven that he cannot be trusted to comply with the imposed terms, conditions and/or restrictions. The public interest cannot be adequately protected with anything less than an outright revocation of Respondent's physician's and surgeon's certificate.

Although duly notified of the California hearing, Respondent did not appear (Ex. 9).

6. On March 19, 2004, a Notice of Referral proceeding and Statement of Charges were issued by the Department alleging that Respondent was impaired for the practice of medicine (Ex. 4). These documents and a summary of the Department's hearing rules were personally served on Respondent on April 5, 2004 and served by certified mail on March 29, 2004 (Ex.'s 5 - 6(a))

HEARING COMMITTEE CONCLUSIONS

The hearing Committee concludes unanimously that the conduct and condition resulting in the California Board's disciplinary actions against Respondent would constitute misconduct under the laws of New York State, pursuant to New York Education Law §6530(9)(b) and (d), in that the conduct would have constituted misconduct in New York, had it been committed here, under New York Education Law §6530(8) (having a psychiatric condition that impairs the ability to practice), and that Respondent's New York medical license should be revoked.

VOTE OF THE HEARING COMMITTEE

SPECIFICATIONS

FIRST 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.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken 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

It is noted at the outset that Respondent was served with the Commissioner's Order by Certified Mail and was served with the Notice of Referral Hearing and Statement of Charges both personally and by Certified Mail. The Administrative Law Judge ruled that this service was sufficient to invoke jurisdiction of the Hearing Committee pursuant to Public Health Law §230(10)(d).

The record in this case establishes that Respondent was summarily restricted in the practice of medicine by the California Board, then had his license revoked, on the ground

that he was mentally impaired for practice. The California Board action was instituted after Respondent sent a series of letters to public officials that contained sufficient evidence of "bizarre paranoid ideation" sufficient to cause the District Attorney to bring them to the attention of the California Board (Ex. 1), and was based upon a two hour psychiatric assessment and document review. Thereafter Respondent failed to comply with the conditions for treatment and evaluation set by the California Board for Respondent's continued practice, and that Board revoked Respondent's license on the ground that he was mentally impaired.

Respondent failed to file an answer to the statement of charges in the instant case, failed to appear at the hearing, and failed to provide any evidence. The allegations in the Statement of Charges are, therefore, deemed to be admitted by Respondent (Public Health Law §230(10)(p)). Respondent presented no evidence to counter the evidence of mental impairment set forth in the California documents, and no basis to conclude other than that his continued ability to practice in this state presents a danger to the health and safety of New York residents. Respondent did send a series of letters and other documents to Department officials prior to the issuance of the Notice of Referral Proceeding and statement of charges, and these documents were introduced into evidence by the Department. They are long and rambling, repetitive and filled with content that, if anything, tends to reinforce the conclusions of the California Board that Respondent is mentally impaired.

Accordingly, the Hearing Committee feels it has no reasonable choice but to revoke Respondent's New York medical license. Respondent may reapply for a license after three years, and be prepared to present evidence that he is, at such time, able to safely practice medicine.

ORDER

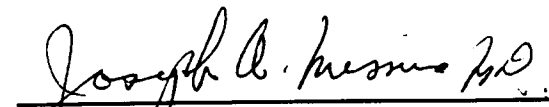
IT IS HEREBY ORDERED THAT:

1. The New York medical license of **MANUEL ROQUE CARRANTO, M.D.** is hereby **REVOKED.**

This **ORDER** shall be effective upon service on the Respondent pursuant to Public Health Law section 230(10)(h).

DATED: Rochester, New York

5/5, 2004


JOSEPH A. MESSINA, M.D.,
Chairperson

JAMES T. ADAMS, M.D.
MR. CHARLES AHLERS

APPENDIX 1



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

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.

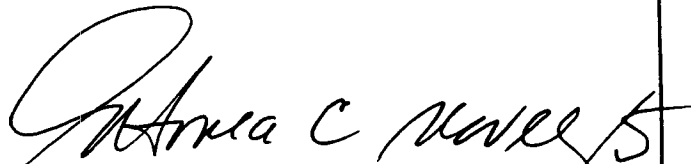
This Order shall remain in effect until the final conclusion of a hearing that shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in the state of California. The hearing will be held pursuant to the provisions of NY. Pub. Health Law §230, and N.Y. State Admin. 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

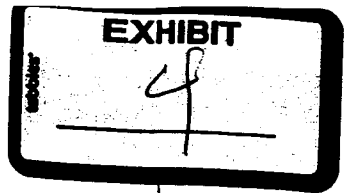
March 5, 2004



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



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

IN THE MATTER
OF
MANUEL ROQUE CARRANTO, M.D.
CO-03-12-5654-A

NOTICE OF
REFERRAL
PROCEEDING

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

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 22nd day of April 2004, at 10:00 in the forenoon of that day at the Hedley Park Place, 433 River Street, 4th Floor, Board Room, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the attached Statement of Charges. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York state. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New

York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York, ATTENTION: HON. SEAN O' BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (hereinafter "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before April 12, 2004.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an 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. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before April 12, 2004, and a copy of all papers must be served on the same date on the Department of Health attorney indicated 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.

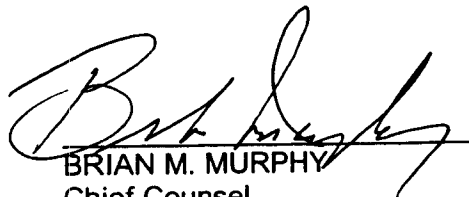
The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR
EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

March 19, 2004



BRIAN M. MURPHY
Chief Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office 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

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

STATEMENT

OF

CHARGES

MANUEL ROQUE CARRANTO, M.D., the Respondent, was authorized to practice medicine in New York State on August 3, 1993, by the issuance of license number 193170 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 2, 2004, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), revoked Respondent's Physician's and Surgeon's Certificate and imposed \$9,117.30 costs of investigation and prosecution, based on impaired ability to practice medicine safely because of mental illness, based on paranoid schizophrenia.

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 State Education Law Section 6530(8) (having a psychiatric condition which impairs the ability to practice medicine).

SPECIFICATIONS
FIRST 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, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York State Education Law Section 6530 (9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

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

DATED: *March 19*, 2004



BRIAN M. MURPHY
Chief Counsel
Bureau of Professional Medical Conduct