



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

Michael A. Gonzalez, R.P.A.
Vice Chair

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

PUBLIC

August 18, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Walter Calderon, M.D.
31-32 85th Street
East Elmont, NY 11370

Re: Resident

Dear Dr. Calderon:

Enclosed please find Order #BPMC 04-181 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect August 25, 2004.

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 the 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: Stephen Flamhaft, Esq.
Flamhaft, Levy, Kamins & Hirsch
16 Court Street
Brooklyn, NY 11241

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

**IN THE MATTER
OF
WALTER CALDERON, M.D.**

**CONSENT
ORDER**

BPMC No. 04-181

Upon the proposed agreement of WALTER CALDERON, M.D. (Respondent) for a Consent Order, in the attached application, which is a part of this Order, it is agreed to and

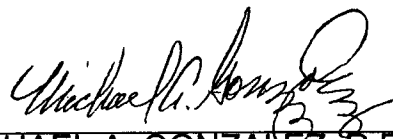
ORDERED, that the application and its provisions are hereby adopted and so ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either:

- by mailing of a copy of the Consent Order to Respondent at the designated address by first class mail, or to Respondent's attorney by certified mail, or
- upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8/16/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
WALTER CALDERON, M.D.

CONSENT
AGREEMENT
AND
ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

WALTER CALDERON, M.D., (Respondent), representing that all of the following statements are true, deposes and says:

That I have been a "licensee," as that term is defined in N.Y. Public Health Law §230(7), during periods in or about and between April 2003 and March 2004. I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department.

My current address is c/o Stephen Flamhaft, Esq., Flamhaft, Levy, Kamins & Hirsch, 16 Court Street, Brooklyn, N.Y., and 31-32 85th St. East #4 (provide current address), and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges is attached, made a part of this Consent Agreement and Order, and marked as Exhibit "A".

I admit the two specifications of misconduct in the Specification of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Public Health Law §230-a(6), a limitation shall be placed precluding the issuance of any further license or registration to me to practice medicine in New York State. I understand that this limitation is permanent, and that there shall be no modification of this limitation.

I further agree that the Consent Order for which I apply shall impose the following conditions:

That I shall not engage in any practice of medicine in the State of New York, whether as a licensee, resident, holder of a permit, or exempt person, beginning upon the effective date of the Consent Order; and

That I shall fully cooperate with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters concerning me. I shall respond in a timely manner to every OPMC request for written periodic verification of my compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC, as directed. I shall respond promptly and provide all documents and information within my control, as directed by OPMC. This condition shall take effect upon the effective date of the Consent Order and will continue indefinitely.

I stipulate that my failure to comply with these conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, if the Board declines to grant this Application, nothing in this agreement shall bind me or shall be construed as an admission of any act of alleged misconduct, this Application 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 the Board's denial shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, if the Board grants this Application, an Order of the Chair of the Board shall be issued in accordance with its terms. I agree that this Order shall take effect upon issuance by the Board, either by mailing, by first class mail, of a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.


I make this Application of my own free will not under duress, compulsion or restraint of any kind. In consideration of the value to me of the Board's acceptance of this Application, allowing me to resolve this matter without the risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, and ask the Board to grant this Application.



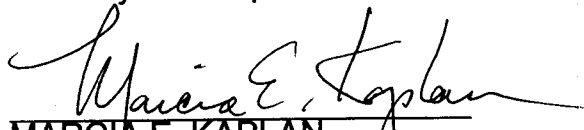
WALTER CALDERON, M.D.
RESPONDENT

The undersigned agree to Respondent's attached application and to the proposed penalty based on its terms and conditions.

DATE: 7-29-2004


STEPHEN FLAMHAFT, ESQ.
Attorney for Respondent

DATE: August 4, 2004


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: August 13, 2004


DENNIS GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
WALTER CALDERON, M.D.**

**STATEMENT
OF
CHARGES**

WALTER CALDERON, M.D., the Respondent, was a "licensee", as that term is defined in N.Y. Public Health Law 230(7), during all times relevant to the allegations below. He does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. With respect to Patients A, B and C, (all patients are identified in Appendix A), during patient visits to clinics at Metropolitan Hospital, 1901 Second Avenue, New York, N.Y., Respondent inappropriately touched each of the patients in the course of a purported physical examination, and not for a proper medical purpose but rather for his own sexual gratification, as follows:
1. On or about March 10, 2004, Respondent inappropriately touched Patient A's breasts.
 2. On or about April 15, 2003, Respondent inappropriately touched Patient B's breasts and inserted his finger into her vagina.
 3. On April 12, 2003, Respondent inappropriately inserted his finger into Patient C's vagina.

B. On or about June 22, 2004, Respondent was convicted, upon a plea of guilty, in the Criminal Court of the State of New York, County of New York, of three counts of Sexual Abuse in the Third Degree, class B misdemeanors and crimes in violation of N.Y. Penal Law Section 130.55, in that on or about March 10, 2004 (Count 1) April 12, 2003 (Count 2) and April 15, 2003, (Count 3), respectively, at Metropolitan Hospital, 1901 Second Avenue, New York, N.Y., Respondent subjected Patients A, B and C to sexual contact without their consent by: inappropriately touching Patient A's breasts; inappropriately touching Patient B's breasts and inserting his finger into her vagina; and inappropriately inserting his finger into Patient C's vagina, in the course of purported medical examinations and not for proper medical purposes but rather for his own sexual gratification. Respondent was sentenced to 90 days in prison on each of the three separate pleas of guilty to 90 days in prison, to run concurrently, and a total surcharge of \$480. Three final Orders of Protection for the benefit of the three women were granted as part of the sentence.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PATIENT ABUSE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31) by willfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in:

1. Paragraph A and A.1, A.2 and A.3.

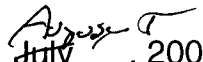
SECOND SPECIFICATION

CRIMINAL CONVICTION (N.Y.S.)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(i), by having been convicted of committing an act constituting a crime under New York State law, as alleged in:

2. Paragraph B.

DATED:


July, 2004
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct