



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

August 5, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Orlando Castro, M.D.
P.O. Box 97
East Liverpool, Ohio 43920

Re: License No. 125587

Dear Dr. Castro:

Enclosed please find Order #BPMC 97-192 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
433 River Street - Suite 303
Troy, New York 12180-2299

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosures

cc: J. Michael Kapp, Esq.
128 West Fifth Street
P.O. Box 768
East Liverpool, Ohio 43920

William J. Lynch, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
ORLANDO CASTRO, M.D. : BPMC # 97-192

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ORLANDO CASTRO, M.D., says:

On or about October 3, 1975, I was licensed to practice medicine as a physician in the State of New York having been issued License No.125587 by the New York State Education Department.

My current address is PO Box 97 East Liverpool, Ohio 43920 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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 I have been charged with two specifications 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 allegations and two specifications 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 State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

Orlando Castro, M.D.
ORLANDO CASTRO, M.D.
Respondent

Subscribed before me this
21st day of July, 1997

Gloria S. Schaffer
NOTARY PUBLIC
GLORIA S. SCHAFER, Notary Public
STATE OF FLORIDA
My Commission Expires Feb. 20, 2001

AGREED TO:

Date: _____, 1997

Esq.
Attorney for Respondent

Date: *August 1, 1997*

William J. Lynch
WILLIAM J. LYNCH
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: *July 29*, 1997

Anne F. Saile
ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of ORLANDO CASTRO, 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 Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: August 1, 1997

Patrick F. Carone
PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
ORLANDO CASTRO, M.D. : CHARGES

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ORLANDO CASTRO, M.D., the Respondent, was authorized to practice medicine in New York State on October 3, 1975, by the issuance of license number 125587 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. By Entry of Order dated September 12, 1996, the State Medical Board of Ohio found Respondent guilty of professional misconduct under OHIO REV. CODE ANN. 4731.22(B)(6). Specifically, the State Medical Board of Ohio approved and confirmed the conclusions of a Hearing Examiner that the care provided by Respondent to five patients constituted a "departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not injury is established."

2. As set forth in the Entry of Order, Respondent's certificate to practice medicine and surgery in the State of Ohio has been suspended for an indefinite period of time, but not less

than one year, and the State Medical Board of Ohio will not consider reinstatement of Respondent's certificate to practice until he complies with the requirements enumerated therein including, among other things, successful completion of at least twelve months of training related to abdominal and colorectal surgery in a post-graduate program, submission of a plan of practice limited to the area in which post graduate training is completed unless and until otherwise determined by the Board and limited to a supervised structured environment of practice in which Respondent's activities will be directly supervised and overseen by another physician approved by the Board, and compliance with the terms of a probationary period of at least five years upon reinstatement and commencement of practice in Ohio.

3. The conduct upon which the finding of professional misconduct and the imposition of disciplinary action in Ohio was based, would constitute professional misconduct if committed in New York State under New York Education Law §6530(3) practicing the profession with negligence on more than one occasion (McKinney Supp. 1997).

FIRST SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law § 6530(9)(b) (McKinney Supp. 1997) in that Respondent has been found guilty of 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 the facts of paragraphs 1, 2 and/or 3.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under New York Education Law § 6530(9)(d) (McKinney Supp. 1997) in that disciplinary action has been taken against Respondent's license 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, in that Petitioner charges the facts of paragraphs 1, 2 and/or 3.

DATED: *April 1*, 1997
Albany, New York

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