



***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*

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*Executive Deputy Commissioner  
NYS Department of Health*

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*Office of Professional Medical Conduct*

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*Vice Chair*

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

September 28, 2006

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Manuel G. Sanguily, M.D.  
354 Fort Washington Avenue  
New York, NY 10033

Re: License No. 103155

Dear Dr. Sanguily:

Enclosed is a copy of Order #BPMC 06-228 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 5, 2006.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order.** If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to: **Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299**

Sincerely,

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

Enclosure

cc: Michael Kelton, Esq.  
Lippman, Krasnow & Kelton, LLP  
380 Lexington Avenue, Suite 3600  
New York, NY 10168

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

AFFIDAVIT

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IN THE MATTER  
OF

Manuel G. Sanguily, M.D.

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STATE OF \_\_\_\_\_ }

COUNTY OF \_\_\_\_\_ }

ss:

I, Manuel G. Sanguily, M.D., the undersigned, hereby state that after having made a diligent search through all of my papers, files, residence(s), office(s), and storage facilities, I am unable to locate my license to practice medicine in the State of New York. I am, therefore, unable to provide the document(s) to the New York State Health Department (the Department), as directed by Order BPMC# 06-228 of the Office of Professional Medical Conduct. I hereby agree and recognize that, should I locate the document(s), I am bound to forward it/them to the Department.

I am advised and I understand that, pursuant to N.Y.S. Education Law §6512, any such person not authorized to practice medicine who practices or offers to practice or holds himself/herself out as being able to practice in New York State shall be guilty of a class E felony. I am further advised and understand that, pursuant to N.Y.S. Education Law §6513, anyone not authorized to use a professional title regulated by Title 8 of the N.Y.S. Education Law who uses such professional title in New York State shall be guilty of a class A misdemeanor. I am also advised and understand that the N.Y.S. Education Law §6522 states that only a person licensed or otherwise authorized under this article shall practice medicine or use the title "physician."

I state that, other than my failure to forward the document(s) to the Department, I am fully in compliance with the Order.

(signed) \_\_\_\_\_

Sworn to before me this

(print) \_\_\_\_\_

\_\_\_\_ day of \_\_\_\_\_, 200 \_\_\_\_

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NOTARY PUBLIC

**IN THE MATTER  
OF  
MANUEL G. SANGUILY, M.D.**

**CONSENT  
ORDER**

BPMC No. #06-228

Upon the application of (Respondent) MANUEL G. SANGUILY, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is


ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

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

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 9-27-06

  
KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional Medical Conduct

**IN THE MATTER  
OF  
MANUEL G. SANGUILY, M.D.**

**CONSENT  
AGREEMENT  
AND  
ORDER**

MANUEL G. SANGUILY, M.D., representing that all of the following statements are true, deposes and says:

That on or about February 3, 1969, I was licensed to practice as a physician in the State of New York, and issued License No. 103155 by the New York State Education Department.

My current address is 354 Fort Washington Avenue, New York, N.Y. 10033, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

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

I cannot successfully defend against at least one of the acts of misconduct alleged, and agree to the following penalty:

Effective immediately, pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice medicine in New York State shall be limited to preclude prescribing, dispensing, or administering the following:

1. Clomiphene Citrate

2. Stanozolol
3. Nandrolone
4. Anadrol
5. Oxymetholone
6. Testosterone
7. Syponade
8. Somatrophin
9. syringes and needles, except that Respondent may prescribe syringes and needles to patients with a diagnosis of diabetes mellitus.

Effective immediately, pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice medicine in New York State shall be limited to permit prescribing, dispensing, or administering drugs only to individuals with whom I have had a qualifying medical relationship. For purposes of this agreement, a qualifying medical relationship shall mean that I have conducted at least one medical evaluation of the patient, in the presence of that patient. If I have conducted at least one such evaluation, I may, where medically appropriate, further rely on information provided by other licensed physicians who have evaluated the patient.

Effective immediately, pursuant to § 230-a(9) of the Public Health Law, I shall be placed on probation until January 1, 2007, subject to the terms set forth in attached Exhibit "B."

Effective January 1, 2007, my license to practice medicine shall be limited, pursuant to §230-a of the Public Health Law, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury, deformity, or physical condition.

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

- That Respondent shall, no later than January 12, 2007, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within thirty days thereafter; and
- That Respondent shall, no later than January 12, 2007, return any and all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement. Further, within thirty days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and

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

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order

and will continue so long as Respondent remains licensed in New York State; and

Effective January 1, 2007, Respondent shall comply with all conditions set forth in attached Exhibit "C" ("Guidelines for Closing a Medical Practice") which is attached.

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

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

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

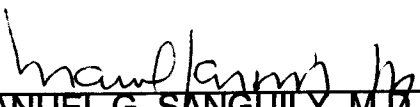
I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the

Department's website.

I stipulate that the proposed sanction and Order are authorized by Public Health Law § 230 and § 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various 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, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

I am aware and agree that regardless of prior communication, the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chairperson of the State Board for Professional Medical Conduct each reserve full discretion to enter into the agreement which I propose and this application which I submit, or to decline to do so.


DATE 08-02-06

  
MANUEL G. SANGUILY, M.D.  
RESPONDENT



The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

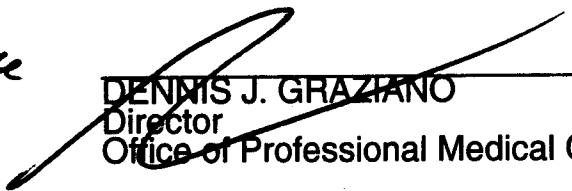
DATE: 8/8/06

  
MICHAEL KELTON, ESQ.  
Attorney for Respondent

DATE: 8/9/06

  
DIANNE ABELOFF  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 26 September 2006

  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

IN THE MATTER  
OF  
MANUEL G. SANGUILY, M.D.

STATEMENT  
OF  
CHARGES

MANUEL G. SANGUILY, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 3, 1969, by the issuance of license number 103155 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. From in or about August 2004 through January 2005, Respondent, relying on patient information he obtained via the Internet, inappropriately prescribed anabolic steroids to Patients A through N, without appropriately examining and evaluating the patients.

**SPECIFICATION**

**FIRST SPECIFICATION**

**NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

*EXHIBIT "A"*

A. The facts in paragraph A.

DATE: September 7, 2006  
New York, New York



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Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct

## EXHIBIT "B"

### **Terms of Probation**

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.
3. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
4. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
6. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
7. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled

substances.

8. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

## EXHIBIT "C"

### **GUIDELINES FOR CLOSING A MEDICAL PRACTICE**

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Consent Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. No later than January 12, 2007, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six years after the last date of service, and, for minors, at least six years after the last date of service or three years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
4. No later than January 12, 2007, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
5. No later than January 12, 2007, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.
6. No later than January 12, 2007, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
7. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by himself or others) while

barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Consent Order's effective date.

8. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine, Respondent shall, prior to March 31, 2007, divest himself/herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold by that same date.
9. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four years, under § 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under § 230-a of the Public Health Law.