

# PUBLIC

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC #: 13-112

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IN THE MATTER

OF

RODNEY BALTAZAR, D.O.  
CO-12-12-6191-A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

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TO: Rodney Baltazar, D.O.

ADDRESS REDACTED

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York 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 **RODNEY BALTAZAR, D.O.**, Respondent, licensed to practice medicine in the State of New York on August 2, 1995, by license number 200349, has been convicted of committing an act constituting a felony under Federal law, in United States District Court, Southern District of Florida, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **RODNEY BALTAZAR, D.O.** shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

**ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure 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 the 19<sup>th</sup> day of June, 2013, at 10:30 a.m., at 150 Broadway, Suite 510, Menands, New York 12204-2719, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §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 hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, 150 Broadway, Suite 510, Menands, NY 12204-2719, ATTENTION: HON.

JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**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 BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York  
*April 22, 2013*

SIGNATURE REDACTED

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NIRAV R. SHAH, M.D., M.P.H.  
Commissioner of Health  
New York State Department of Health

Inquiries should be addressed to:

Paul Tsui  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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STATEMENT  
OF  
CHARGES

RODNEY BALTAZAR, D.O., Respondent, was authorized to practice medicine in New York State on August 2, 1995, by the issuance of license number 200349 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 4, 2012, in the United States District Court, Southern District of Florida, Respondent was found guilty, based on a plea of guilty, of five (5) counts of Distributing Controlled Substances in violation of 21 U.S.C. §§841(a)(1) and (b)(1) and 18 U.S.C. §2 and sentenced to 6 months in prison to run concurrently on each count, 1 year supervised release, \$1,368,519.00 in restitution, and \$500.00 in fees. Special conditions of supervision include relinquishment of his license upon the request of the appropriate regulatory agency. Such relinquishment is permanent and will be considered disciplinary action.

B. On or about February 24, 2012, in the United States District Court, Western District of Missouri, Respondent was found guilty, based on a plea of guilty, of Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C. §§841 and 846 and sentenced to 6 months in prison, 1 year supervised release, and \$100.00 in fees. This case was transferred to the Southern District of Florida for sentencing to run concurrently with the sentence outlined in Paragraph A above.

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A and B.

DATED: *April 22*, 2013  
Albany, New York

**SIGNATURE REDACTED**

**PETER D. VAN BUREN**  
Deputy Counsel  
Bureau of Professional Medical Conduct