



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

February 15, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Araceli Dantes, M.D.
420 W. Montauk Highway
Babylon, New York 11702

RE: License No. 145403
Effective Date: 2/22/94

Dear Dr. Dantes:

Enclosed please find Order #BPMC 94-20 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.

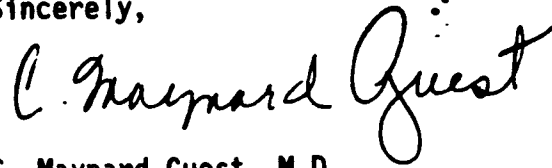
If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Tower Building-Room 1245
Albany, New York 12237

Sincerely,

A handwritten signature in black ink that reads "C. Maynard Guest". The signature is written in a cursive style with a large, prominent "G" at the end.

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :

OF :

ARACELI DANTES, M.D. :

ORDER

BPMC #94-20

-----X

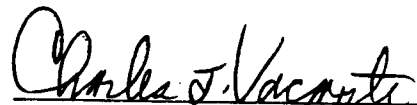
Upon the application of ARACELI DANTES, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions
thereof are hereby adopted and so ORDERED, and 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 by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 10 February 1994


Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
ARACELI DANTES, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

ARACELI DANTES, M.D., being duly sworn, deposes and says:
That on or about May 27, 1977 I was licensed to practice
as a physician in the State of New York, having been issued
License No. 145403 by the New York State Education Department.

I am currently registered with the New York State
Education Department to practice as a physician in the State of
New York for the period January 1, 1993 through December 31,
1994.

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

A copy of the Statement of Charges is annexed hereto, made
a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification of the Statement
of Charges in full satisfaction of the charges against me.

I hereby agree to the penalty of a two (2) year suspension, stayed; a two (2) year period of probation (the terms of probation are annexed hereto); a limitation of my license to the practice of pediatrics; and a \$5,000.00 fine.

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

I understand that, in the event that this Application is not granted by the Board, 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 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 such denial by the Board 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, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

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

Araceli Dantes

ARACELI DANTES, M.D.
RESPONDENT

Sworn to before me this
24 day of January, 1994.

Virginia Badala

NOTARY PUBLIC

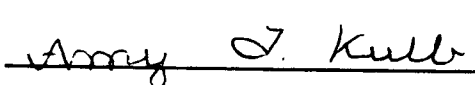
VIRGINIA BADALA
NOTARY PUBLIC, State of New York
No. 4861846, Suffolk County
Commission Expires, June 16, 1994

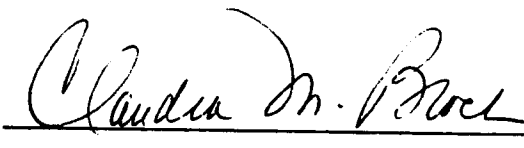
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : APPLICATION
OF : FOR
ARACELI DANTES, M.D. : CONSENT
: ORDER
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 1/22/94 
ARACELI DANTES, M.D.
RESPONDENT

Date: 1/25/94 
AMY KULB, ESQ.
ATTORNEY FOR RESPONDENT

Date: 1/31/94 
CLAUCIA MORALES BLOCH
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Feb. 14, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 10 February 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X
IN THE MATTER : STATEMENT
OF : OF
Araceli Dantes, M.D. : CHARGES
-----X

Araceli Dante, M.D., the Respondent, was authorized to practice medicine in New York State on May 27, 1977 by the issuance of license number 145403 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994 from 420 W. Montauk Highway, Babylon, NY 11702.

FACTUAL ALLEGATIONS

A. On or about January 4, 1991, Respondent treated Patient A at a medical practice called "Doctor's Office", located at 1398 Grand Concourse, Bronx, New York, (Respondent's Office) on approximately one occasion. (Patient A and all other patients are identified in the attached Appendix.)

1. Respondent failed to:

- a) Obtain and note an adequate history.
- b) Perform and note an adequate physical examination.

2. Respondent inappropriately prescribed:

- a) Zantac
- b) Keflex
- c) Proventil
- d) Dolobid

3. Respondent inappropriately ordered:

- a) Upper Gastrointestinal Series
- b) Electrocardiogram
- c) Echocardiogram
- d) Spirometry

4. Respondent failed to adequately follow-up on Patient A's noted complaints and/or diagnoses of:

- a) Gastritis/Peptic Ulcer Disease
- b) Upper Respiratory Infection/Chest Pain
- c) Asthma
- d) Sinusitis
- e) Lower Back Syndrome

5. The patient record for Patient A does not include any notation nor report as to whether or not an upper gastrointestinal series was performed as ordered and/or the results obtained.

B. On or about November 30, 1990, Respondent treated Patient B at Respondent's office on approximately one occasion.

1. Respondent failed to:

- a) Obtain and note an adequate history.
- b) Perform and note an adequate physical examination.

2. Respondent inappropriately prescribed:

- a) Zantac
- b) Proventil inhaler
- c) Seldane
- d) Keflex

3. Respondent inappropriately ordered:

- a) Upper Gastrointestinal Series
- b) Electrocardiogram
- c) Echocardiogram
- d) Spirometry

4. Respondent failed to adequately follow-up on Patient B's noted complaints and/or diagnoses of:

- a) Gastritis/Peptic Ulcer Disease
- b) Hypertension
- c) Asthma

d) Sinusitis

e) Lower Back Syndrome

5. The patient record for Patient B does not include any notation nor report as to whether or not an upper gastrointestinal series was performed as ordered and/or the results obtained.

C. On or about December 21, 1990, Respondent treated Patient C at Respondent's Office on approximately one occasion.

1. Respondent failed to:

a) Obtain and note an adequate history.

b) Perform and note an adequate physical examination.

2. Respondent inappropriately prescribed:

a) Zantac

b) Ventolin inhaler

c) Clinoril

d) Seldane

3. Respondent inappropriately ordered:

a) Blood tests including: Complete Hematology, Metals, Electrophoresis, Serology, Isoenzymes, Chemistry, and Radioimmunoessay

b) Electrocardiogram

c) Echocardiogram

d) Spirometry

4. Respondent failed to adequately follow-up on Patient C's:

a) Noted complaints and/or diagnoses:

i. Gastritis/Peptic Ulcer Disease

ii. Hypertension

iii. Asthma

iv. Sinusitis

v. Substance Abuse

vi. Lower Back Syndrome

- b) Abnormal test results including high serum potassium level.

- 5. The patient record for Patient C does not include any notation nor report as to whether or not an electrocardiogram was performed as ordered and/or the results obtained.

D. On or about December 8, 1990, Respondent treated Patient D at Respondent's Office on approximately one occasion.

- 1. Respondent failed to:

- a) Obtain and note an adequate history.

- b) Perform and note an adequate physical examination.

- 2. Respondent inappropriately prescribed:

- a) Zantac

- b) Seldane

c) Proventil inhaler

d) Keflex

e) Dolobid

3. Respondent inappropriately ordered:

a) Upper Gastrointestinal Series

b) Blood test including: complete Hematology,
Metals, Electrophoresis, Serology,
Radioimmunoassay, Chemistry, and Iso
enzymes.

c) Echocardiogram

d) Electrocardiogram

e) Spirometry with Bronchoscopy

4. Respondent failed to adequately follow-up on
Patient D's:

a) Noted complaints and/or diagnoses of:

i. Gastritis/Peptic Ulcer Disease

ii. Upper Respiratory Infection/Chest Pain

iii. Asthma

iv. Sinusitis

v. Lower Back Syndrome

b) Abnormal test results including elevated
IgE, Gamma Globulins, and Alkaline
Phosphatase

5. The patient record for Patient D does not
include any notation nor report as to whether
or not an upper gastrointestinal series was
performed as ordered and/or the results
obtained.

E. On or about January 28, 1991, Respondent treated Patient E at
Respondent's Office on approximately one occasion.

1. Respondent failed to:

a) Obtain and note an adequate history.

b) Perform and note an adequate physical
examination.

2. Respondent inappropriately prescribed:

- a) Zantac
- b) Proventil inhaler
- c) Seldane
- d) Augmentin

3. Respondent inappropriately ordered:

- a) Electrocardiogram
- b) Echocardiogram
- c) Spirometry
- d) Hemoglobin Electrophoresis

4. Respondent failed to adequately follow-up on Patient E's noted complaints and/or diagnoses of:

- a) Gastritis/Peptic Ulcer Disease
- b) Asthma

c) Sinusitis

5. The patient record for Patient E does not include any notation nor report as to whether or not an electrocardiogram was performed as ordered and/or the results obtained.

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1993) by practicing the profession with negligence on more than one occasion in that Petitioner charges two or more of the following:

1. The facts in paragraph A(1)(a), A(1)(b), A(2)(a) through A(2)(d), A(3)(a) through A(3)(d), A(4)(a) through A(4)(e), A(5), B(1)(a), B(1)(b), B(2)(a) through B(2)(d), B(3)(a) through B(3)(d), B(4)(a) through B(4)(f), B(5), C(1)(a), C(1)(b), C(2)(a) through C(2)(d), C(3)(a) through C(3)(d),

C(4)(a)(i) through C(4)(a)(vi), C(4)(b),
C(5), D(1)(a), D(1)(b), D(2)(a) through
D(2)(e), D(3)(a) through D(3)(e),
D(4)(a)(i) through D(4)(v), D(4)(b), D(5),
E(1)(a), E(1)(b), E(2)(a) through E(2)(d),
E(3)(a) through E(3)(d), E(4)(a), E(4)(b),
E(4)(c), and E(5).

SECOND THROUGH SIXTH SPECIFICATION

UNNECESSARY TESTS AND/OR TREATMENT

Respondent is charged with committing professional misconduct within the meaning of NY Educ. Law Section 6530(35) (McKinney Supp 1993) by ordering excessive tests and/or treatment not warranted by the condition of the patient in that Petitioner charges:

2. The facts in paragraphs A(2)(a) through A(2)(d) and A(3)(a) through and A(3)(d).
3. The facts in paragraphs B(2)(a) through B(2)(d), and B(3)(a) through B(3)(d).
4. The facts in paragraphs C(2)(a) through C(2)(d), C(3)(a), through C(3)(d).

5. The facts in paragraphs D(2)(a) through D(2)(e) and D(3)(a) through D(3)(e).
6. The facts in paragraphs E(2)(a) through E(2)(d) and E(3)(a) through E(3)(d).

SEVENTH THROUGH ELEVENTH SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct within the meaning of NY Educ. Law Section 6530(32) (McKinney Supp. 1993) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges:

7. The facts in paragraphs A(1)(a), A(1)(b) and A(5).
8. The facts in paragraphs B(1)(a), B(1)(b) and B(5).
9. The facts in paragraphs C(1)(a), C(1)(b) and C(5).
10. The facts in paragraphs D(1)(a), D(1)(b) and D(5).

11. The facts in paragraphs E(1)(a), E(1)(b) and
E(5).

DATED: New York, New York

January 13, 1994



Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. ARACELI DANTES, M.D., during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is

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 section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.