

**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

IN THE MATTER
OF
VICTOR MAQUERA, M.D.

STATEMENT
OF
CHARGES

VICTOR MAQUERA, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 17, 1983 by the issuance of license number 156166 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 15, 2015 the Florida Board of Medicine ("Florida Board") executed a Final Order (Order) that adopted, incorporated and approved a proposed Settlement Agreement signed by the Respondent. The action by the Florida Board was based on the Respondent from on or about November 1, 2011 until May 22, 2013, contrary to Florida Statute, prescribing to himself on multiple occasion phentermine and testosterone enanthate intramuscular oil, medicinal drugs appearing on schedules set forth in Florida Statutes. Based on the above, the Florida Board issued a Letter of Concern against the Respondent's license; imposed an administrative fine of \$2,000; ordered the Respondent to pay \$3,945.75 in costs; ordered the Respondent to complete the course "Legal and Ethical Implications in Medicine: Physicians' Survival Guide-Laws and Rules"; and ordered the Respondent to comply with the term of Respondent's contract with the Professionals Resource Network until the completion of the contract.
- B. Respondent's conduct as described above, upon which the disciplinary action taken in Florida was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:
1. New York Education Law §6530(3) (practicing the profession with negligence on more than one occasion) and/or

2. New York Education Law §6530 (16) (a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules or regulations governing the practice of medicine.)
- C. On or about March 18, 2017 Respondent was convicted of the misdemeanor Driving Under the Influence-Causes Damage to the Property or Person of Another, in violation of § 316.193 (3) (c) (1) in Jacksonville, Florida 4th Circuit Court. Respondent was sentenced to one year probation, 50 hours community service or a fine of \$500, attendance at DUI school and a Victim Impact Panel, restitution, court costs totaling \$667.50 and revocation of his driver's license for six months.
- D. Respondent's crime as described above in Florida would, if committed in New York State, have constituted a crime under New York State law, specifically N.Y. Vehicle and Traffic Law §1192 (3) (Driving While Intoxicated, an unclassified misdemeanor).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3) and/or (16)) as alleged in the facts of the following:

1. The facts in Paragraph A and B above.

SECOND SPECIFICATION

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely N.Y. Vehicle and Traffic Law § 1192 (3)) as alleged in the facts of the following:

2. The facts in Paragraph C and D above.

DATE: September 28, 2016
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct