



New York State Board for Professional Medical Conduct

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

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

Charles J. Vacanti, M.D.
Chair

November 1, 1996

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ernesto Izquierdo, M.D.
4501 Palisade Avenue
Union City, New Jersey 07087

RE: License No. 195271

Dear Dr. Izquierdo:

Effective Date: 11/08/96

Enclosed please find Order #BPMC 96-259 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 cursive script, appearing to read "Charles Vacanti".

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Robert Conroy, Esq.
Kern, Augustine, Conroy & Schoppmann, P.C.
1120 Route 22 East
Bridgewater, New Jersey 08807

Frederick Zimmer, Esq.

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

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IN THE MATTER :
OF : ORDER
ERNESTO IZQUIERDO, M.D. : BPMC #96-259

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Upon the Application of ERNEST IZQUIERDO, 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: 29 October 1996



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
ERNESTO IZQUIERDO, M.D. : CONSENT
: ORDER
-----X

STATE OF NEW JERSEY)
COUNTY OF HUDSON) ss.:

ERNESTO IZQUIERDO, M.D., being duly sworn, deposes and says:
On or about March 31, 1994, I was licensed to practice as a
physician in the State of New York, having been issued License
No. 195271 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 of January 1, 1995 through September 30, 1997.

I understand that the New York State Board for Professional
Medical Conduct has charged me with four 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 second specification of misconduct in
full satisfaction of the charges against me.

I hereby agree to the following penalties;

1. My license to practice medicine in the State of New York

shall be suspended for a period of 36 months. The 36 month period of suspension shall be stayed and I shall be placed on probation during that 36 month period. The 36 month stay of suspension shall be subject to my compliance with the probation terms which are attached and annexed hereto as Exhibit B. I shall fully comply with the probation terms.

2. I shall be assessed a civil penalty in the amount of Five Thousand (\$5,000) Dollars which I will pay to the New York State Department of Health in four (4) equal installment payments of One Thousand Two Hundred and Fifty (\$1,250.00) Dollars each in accordance with the following payment schedule:

<u>INSTALLMENTS</u>	<u>DUE DATE</u>	
1	90	(Number of days
2	180	following effective
3	270	date of this order.)
4	360	

If I fail to pay a part or all of any installment of the above civil penalty in a timely manner, then, at the option of the New York State Department of Health, the entire balance of the civil penalty shall be due and payable immediately. All payments of the civil penalty shall be made to the New York State Department of Health, Fiscal Management Group, Bureau of Accounts Management, Room 1245, Corning Tower Building, Empire State Plaza, Albany, New York 12237-0016.

I understand that a failure to pay this civil penalty as set forth herein, may be considered a violation of my probation terms and may result in the assessment of interest, penalties or collection fees, and the denial of applications to renew my registration to practice medicine with the New York State Education Department or in such other penalties or procedures as are authorized under New York State Law.

3. I will perform 100 hours of community service during the first twelve months of the probationary period. The service must be medical in nature, and delivered in a facility or with an organization equipped to provide medical services and serving a needy or medically underserved population. I will submit a written proposal for community service to the Director of the Office of Professional Medical Conduct for written approval. Community service performed prior to the effective date of this Order cannot be credited for compliance with this term. I understand that a failure to perform community service as set forth herein may be considered a violation of probation and may initiate a violation of probation proceeding and/or any other proceeding as may be authorized by law.

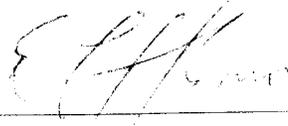
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



ERNESTO IZQUIERDO, M.D.
RESPONDENT

Sworn to before me this
 day of , 1996.

NOTARY PUBLIC

LINDA J. CZEMERIS
A Notary Public of New Jersey
My Commission Expires Oct. 6, 1997

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
ERNESTO IZQUIERDO, 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: 10/21/96

Ernesto Izquierdo
ERNESTO IZQUIERDO, M.D.
Respondent

DATE: _____

Robert J. Conroy, Esq.
ROBERT J. CONROY, ESQ.
Attorney for Respondent

DATE: October 28, 1996

Frederick Zimmer
FREDERICK ZIMMER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: October 28, 1996

Anne F. Saile
ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

DATE: 29 October 1996

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
ERNESTO IZQUIERDO, M.D. : CHARGES

-----X

ERNESTO IZQUIERDO, M.D., the Respondent, was authorized to practice medicine in New York State on March 31, 1994 by the issuance of license number 195271 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, by a Final Order of Denial of Licensure of the New Jersey State Board of Medical Examiners (the "New Jersey Board") filed on July 26, 1997, was denied an application for licensure to practice medicine and surgery in the State of New Jersey. The New Jersey Board's Order denying Respondent's application for licensure found that Respondent by virtue of repeated misrepresentations and false statements to the New Jersey Board demonstrated a lack of good moral character pursuant to N.J.S.A. §45:1-21(b) [engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense].

Exhibit A

B. The conduct resulting in the New Jersey Board's finding that Respondent was not eligible for licensure in the State of New Jersey consisted of the following:

1. Respondent, as part of his application for licensure in New Jersey, filled out, signed and had notarized a document entitled "Affidavit of Good Moral Character and Ethical Professional Activity". In response to a question inquiring whether Respondent had ever been denied eligibility to sit for a licensing examination in New Jersey or in any other state or jurisdiction, Respondent answered "no". Respondent had in fact sat for the FLEX examination in Georgia in 1983. By a letter dated August 10, 1983, Respondent was advised that he had failed to achieve a passing score on that examination and was further advised by a letter of September 16, 1983 that he was precluded from sitting for the FLEX examination in the State of Georgia for a period of two years. The preclusion was due to the Georgia Board of Medical Examiners' conclusion that there was evidence of examination irregularities attendant to Respondent's previous taking of the FLEX examination. Respondent had filed five previous affidavits as part of prior applications to sit for the New Jersey FLEX examination, all of which contained the false assertion that Respondent had never been denied eligibility to sit for a licensing examination.
2. Respondent, in response to a question on the New Jersey Board's application as to whether he had ever previously applied for licensure examination in another state, answered only "New Jersey". Respondent failed to indicate that he had taken the FLEX examination in New York, Vermont and Georgia.
3. Respondent inaccurately answered "no" to the question "have you previously applied for a New Jersey medical license, licensing examination or residency training permit."

C. The New Jersey Board found that Respondent's wrong and misleading answers were calculated to steer the New Jersey Board's attention away from the negative inferences that could be drawn from a cheating accusation and from his need to take the same examination eighteen times in New Jersey, New York, Vermont

and Georgia before achieving a passing score. As noted in Factual Allegation B.1, Respondent had been precluded from sitting for the FLEX examination in Georgia for a period of two years due to the conclusion of the Georgia Board of Medical Examiners that there was evidence of examination irregularities attendant to Respondent's previous taking of the examination. The New Jersey Board found that Respondent, by virtue of his repeated misrepresentations and false statements, demonstrated a lack of good moral character.

D. The conduct upon which the New Jersey Board's findings were based would, if committed in New York State, constitute professional misconduct under the laws of New York State pursuant to N.Y. Educ. Law §6530(1) (McKinney Supp. 1996) [obtaining the license fraudulently] and/or N.Y. Educ. Law §6530(2) (McKinney Supp. 1996) [practicing the profession fraudulently] and/or N.Y. Educ. Law §6530(20) (McKinney Supp. 1996) [conduct in the practice of medicine which evidences moral unfitness to practice medicine].

E. Respondent, on or about January 24, 1995, filed an Application for Initial Appointment to the Medical/Adjunct Staff of the Catholic Medical Center of Brooklyn Queens, Inc. and Affiliated Hospitals. On page 7, question 101, of that application, Respondent was asked whether his medical license in any state had ever been investigated or denied or was currently in the process of being investigated or denied. Respondent, in response, knowingly and intentionally falsely answered "no".

Respondent, in fact, was aware that he had appeared before the Credentials Committee of the New Jersey Board on October 31, 1994 in connection with answers given by him on his application for New Jersey licensure. Respondent was ultimately denied licensure by the New Jersey Board.

FIRST SPECIFICATION
HAVING BEEN FOUND GUILTY OF
UNPROFESSIONAL CONDUCT BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1996) by reason of his having been found guilty of improper professional practice or professional misconduct by the 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 the Petitioner charges:

1. The facts in Paragraphs A and B and B.1, B.2, B.3, C and/or D above.

SECOND SPECIFICATION
HAVING HIS APPLICATION FOR LICENSE REFUSED

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1996)

by reason of his having had his application for a license refused by the duly authorized professional disciplinary agency of another state where the conduct resulting in the denial of his application would, if committed in New York State, constitute professional misconduct under the laws of New York State in that the Petitioner charges:

- 2. The facts in Paragraphs A and B and B.1, B.2, B.3, C and/or D above.

THIRD SPECIFICATION

PRACTICING THE PROFESSION FRAUDULENTLY

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530 (2) (McKinney Supp. 1996) by reason of his having practiced the profession fraudulently in that the Petitioner charges:

- 3. The facts in Paragraphs E.

FOURTH SPECIFICATION

MORAL UNFITNESS TO PRACTICE MEDICINE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law §6530 (20) (McKinney Supp. 1996) by reason of his having committed conduct in the practice of medicine evidencing moral unfitness to practice medicine in that the Petitioner charges:

- 4. The facts in Paragraphs E.

DATED: *July 31*, 1996
Albany, New York


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

TERMS OF PROBATION

EXHIBIT B

1. Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237; said notice is to include a full description of any employment and practice; professional and residential addresses and telephone numbers within and without the State of New York; and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall submit written proof to the Director, OPMC, as aforesaid, that Respondent is currently registered with the New York State Education Department; said proof of the above to be submitted no later than 60 days following the effective date of this Order.
4. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of his compliance with the terms of this Order. Respondent shall personally meet with a member of OPMC staff on a quarterly basis or on a schedule to be determined at the discretion of the Director of OPMC or designee of the Director.
5. 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 §171 (27); State Finance Law §18; CPLR §5001; Executive Law §32].
6. Respondent's professional performance may be reviewed by the Director, OPMC. This review may include but not be limited to a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices. The review will determine whether Respondent's medical practice is conducted according to generally accepted standards of professional medical care and is

otherwise in compliance with state laws and regulations.

7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients including, but not limited to a comprehensive history, physical examination findings, assessment and treatment plan. The medical record shall contain all information required by state rules and regulations regarding controlled substances.
8. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order of the Board and shall assume and bear all costs related to compliance. Upon receipt of evidence of non-compliance with, or any violation of these terms, the Director, OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized by law.