



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.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Anne F. Saile, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

November 12, 1999

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, New York 12230

RE: License No. 124994

Dear Mr. Bentley:

Enclosed please find Order #BPMC 99-274 of the New York State Board for Professional Medical Conduct concerning Octavio D. Camasura, M.D.

Please be advised that effective September 4, 1996, Public Health Law Sections 230(10)(g) and 230-c(4)(a) provide that the Order shall become public upon issuance and the penalty shall be effective without stay by appeal to the Administrative Review Board in any case in which annulment, suspension without stay or revocation of a physician's license is ordered.

Sincerely,

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

Enclosure

cc: Daniel Kelleher



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

November 9, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
433 River Street – 4th Floor
Hedley Park Place
Troy, New York 12180

Octavio D. Camasura, M.D.
1330 Hungry Hollow Road
Lincoln, California 95648

RE: In the Matter of Octavio D. Camasura, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 99-274) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently, you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above. As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties **other than suspension or revocation** until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board **and** the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in cursive script that reads "Tyrone T. Butler". The signature is written in black ink and is positioned above the typed name.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mla

Enclosure

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

COPY

IN THE MATTER
OF
OCTAVIO CAMASURA, M.D.

DETERMINATION
AND
ORDER
BPMC- 99-274

A Notice of Hearing and Statement of Charges, both dated August 5, 1999, were served upon the Respondent, **OCTAVIO CAMASURA, M.D.** **IRVING S. CAPLAN**, (Chair), **TERESA S. BRIGGS, M.D.** and **FRED LEVINSON, M.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **CHRISTINE C. TRASKOS, ESQ.**, Administrative Law Judge, served as the Administrative Officer. A hearing was held on September 2, 1999. The Department of Health appeared by **HENRY M. GREENBERG, GENERAL COUNSEL**, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent did not appear and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct, which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to Education Law Section 6530 (9) (b) and Education Law Section 6530 (9) (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Respondent was authorized to practice medicine in New York State on September 15, 1975, by the issuance of license number 124994 by the New York State Education Department.
(Ex. 4)

2 On or about March 22, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board") by a Decision and Order, (hereinafter "California Order"), revoked the Respondent's certificate to practice medicine, stayed the revocation, and placed the Respondent on three (3) years probation with conditions, including reimbursement of \$5,000.00 for investigative costs, based on aiding and abetting a non-physician to own and operate a medical weight loss clinic which included the dispensing of controlled substances in that (1) he failed to ensure that unlicensed medical assistants had detailed patient-specific authority to handle, administer, or dispense controlled substances; (2) he failed to provide adequate direct supervision over unlicensed persons in regard to the practice of medicine; (3) he failed to maintain adequate control over the purchase, security, accountability and control of controlled substances; (4) he failed to take the necessary steps toward true ownership and control of the practice despite signing an ownership agreement. (Ex. 5)

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless otherwise indicated. The Hearing Committee unanimously concluded that the Department has sustained its burden of proof. The preponderance of the evidence demonstrates that Respondent was disciplined by the Medical Board of California for aiding and abetting an unlicensed person to engage in the practice of medicine in a weight loss clinic as well as failing to adequately safeguard the administration of controlled substances. Section 6530(9)(b) defines professional misconduct as having been found guilty of improper professional practice or professional misconduct by a 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. Section 6530(9)(d) defines professional misconduct as having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, 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, would if committed in New York State, constitute professional misconduct under the laws of New York state. As a result, the Hearing Committee unanimously voted to sustain the Specifications of professional misconduct contained within the Statement of Charges.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, determined that Respondent's license to practice medicine in New York State should be revoked. This determination was reached upon due consideration of the full spectrum for penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

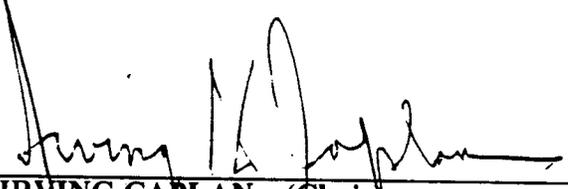
The Hearing Committee notes that Respondent did not appear at the hearing. The Hearing Committee believes that Respondent abrogated his professional responsibility by participating in a fraudulent business arrangement whereby a non-physician owned and operated a weight loss clinic as well as dispensed controlled substances. They believe he further jeopardized public health safety by his failure to directly supervise unlicensed medical assistants in the practice of medicine, particularly in the dispensing of controlled substances. The Hearing Committee finds this to constitute serious professional misconduct. As a result, the Hearing Committee believes that revocation is the appropriate sanction in this instance.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specifications of professional misconduct contained within the Statement of Charges (Petitioner's Exhibit #1) are **SUSTAINED.**
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED.**

Dated: Malone, New York
November 6, 1999



IRVING CAPLAN, (Chair)

**TERESA S. BRIGGS, M.D.
FRED LEVINSON, M.D.**

TO: Robert Bogan, Esq.
Associate Attorney
NYS Department of Health
Hedley Bldg. -4th Fl.
433 River Street
Troy, NY 12180

Octavio D. Camasura, M.D.
1300 Hungry Hollow Road
Lincoln, CA 95648

APPENDIX ONE

Recd
RWH 9/2/99

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

**IN THE MATTER
OF
OCTAVIO D. CAMASURA, M.D.**

NOTICE
OF
REFERRAL
PROCEEDING

TO: OCTAVIO D. CAMASURA, M.D.
1330 Hungry Hollow Road
Lincoln, CA 95648

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 2nd day of September, 1999 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before August 23, 1999.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before August 23, 1999 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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 proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable

period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: Albany, New York
August 5, 1999



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

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street
Suite 303
Troy, NY 12180
(518)402-0820

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

**IN THE MATTER
OF
OCTAVIO D. CAMASURA, M.D.**

**STATEMENT
OF
CHARGES**

OCTAVIO D. CAMASURA, M.D., the Respondent, was authorized to practice medicine in New York state on September 15, 1975, by the issuance of license number 124994 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 22, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order, (hereinafter "California Order"), revoked the Respondent's certificate to practice medicine, stayed the revocation, and placed the Respondent on three (3) years probation with conditions, including reimbursement of \$5,000.00 for investigative costs, based on aiding and abetting a non-physician to own and operate a medical weight loss clinic which included the dispensing of controlled substances in that (1) he failed to ensure that unlicensed medical assistants had detailed patient-specific authority to handle, administer, or dispense controlled substances; (2) he failed to provide adequate direct supervision over unlicensed persons in regard to the practice of medicine; (3) he failed to maintain adequate control over the purchase, security, accountability and control of controlled substances; (4) he failed to take the necessary steps toward true ownership and control of the practice despite signing an ownership agreement.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(11)(permitting an unlicensed person to perform activity requiring a license);
2. New York Education Law §6530(16)(failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
3. New York Education Law §6530(25)(delegating professional responsibilities to persons not qualified to perform them).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a 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/or B.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had

disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action 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/or B.

DATED: *August 5*, 1999
Albany, New York


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