

October 8, 2014

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Nelson Villarroel, M.D. aka  
Nelson Fernando Villarroel Morales, M.D.

ADDRESS REDACTED

Re: License No.

Dear Dr. Villarroel:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 14-246. This order and any penalty provided therein goes into effect October 15, 2014.

Please direct any questions to: Board for Professional Medical Conduct, 90 Church Street, 4th Floor, New York, NY 10007-2919, telephone # 212-417-4445.

Sincerely,

SIGNATURE REDACTED

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Catherine A. Gale, Esq.  
Gale, Gale & Hunt, LLC  
P.O. Box 6527  
Syracuse, New York 13217

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IN THE MATTER

CONSENT

OF

ORDER

NELSON VILLARROEL, M.D. aka

NELSON FERNANDO VILLARROEL MORALES, M.D.

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Upon the application of (Respondent) NELSON VILLARROEL, M.D., aka Nelson Fernando Villarroel Morales, M.D. in the attached Consent Agreement and Order, which is Made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

Whichever is first.

SO ORDERED.

DATE: October 4, 2014

SIGNATURE REDACTED

ARTHUR S. HENGERER, M.D.

Chair

State Board for Professional Medical Conduct

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

IN THE MATTER OF  
NELSON VILLARROEL, M.D. aka  
NELSON FERNANDO VILLARROEL MORALES, M.D.

CONSENT  
AGREEMENT

NELSON VILLARROEL, M.D., aka NELSON FERNANDO VILLARROEL MORALES, M.D., Respondent, represents that all of the following statements are true:

That I have been a "licensee" as that term is defined in N.Y. Pub. Health Law § 230(7)(a), at times in and after July 1, 2010, as a medical resident in the Internal Medicine Residency Program at St. Barnabas Hospital, Bronx, N.Y., and hereafter I will be referred to as "licensee" although I do not hold and have not held a license to practice medicine in New York State issued by the New York State Education Department. I am currently not licensed as a physician in any jurisdiction outside of New York State, with the exception of:  
(list the jurisdictions and license numbers or write "NONE")

- Virginia License No. 0101253066
- \_\_\_\_\_

My current address is: ADDRESS REDACTED

11419, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with two specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I assert that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(6), a limitation shall be imposed, precluding the issuance to me of any further license to practice medicine in New York.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall be precluded from applying for licensure in New York after the effective date of this Consent Order.

That Respondent shall not practice medicine in New York, including practice as an exempt person within the meaning of N.Y. Educ. Law § 6526, after the effective date of this Consent Order.

That Respondent shall comply with the terms of attached Exhibit "B".

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue indefinitely.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding as part of the Department's case-in-chief, at the sole discretion of the Department.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive

my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMG and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 09/22/2014

SIGNATURE REDACTED

NELSON VILLARROEL, M.D. aka  
NELSON FERNANDO VILLARROEL MORALES, M.D.

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 9/29/2014

SIGNATURE REDACTED

Catherine A. Galt, ESQ.  
Attorney for Respondent

DATE: Oct. 1, 2014

SIGNATURE REDACTED

MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 10/3/14

SIGNATURE REDACTED

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

NEW YORK STATE  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**EXHIBIT "A"**  
DEPARTMENT OF HEALTH

IN THE MATTER OF  
NELSON VILLARROEL, M.D. aka  
NELSON FERNANDO VILLARROEL MORALES, M.D.

STATEMENT  
OF  
CHARGES

NELSON VILLARROEL, M.D., aka NELSON FERNANDO VILLARROEL MORALES, M.D. the Respondent, has been a "licensee" as that term is defined in N.Y. Pub. Health Law § 230(7)(a), at times in and after July 1, 2010, as a medical resident in the Internal Medicine Residency Program at St. Barnabas Hospital, Bronx, N.Y., and hereafter will be referred to as "licensee" although he does not hold and has not held a license to practice medicine in New York State issued by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. During the period from in or about 2011 through in or about 2012, Respondent, a medical resident at St. Barnabas Hospital, Bronx, N.Y., on repeated occasions and not for an appropriate medical purpose, engaged in unprofessional conduct at the hospital with regard to Patients A and B, and hospital staff members Individuals C and D (who are identified in attached Appendix "A".)

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

1. Paragraph A.

**SECOND SPECIFICATION**

**VERBAL ABUSE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(31) by willfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in the facts of:

2. Paragraph A, with regard to Patients A and B.

DATE: October 1, 2014  
New York, New York

SIGNATURE REDACTED

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional Medical Conduct

## EXHIBIT "B"

### Requirements for Closing a Medical Practice

1. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
2. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.
3. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.

4. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
5. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
6. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
7. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
8. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.