



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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Michael A. Gonzalez, R.P.A.

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

Executive Secretary

February 22, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Rolando German Arafiles, Jr., M.D.

706 Champions Row

Victoria, TX 77904

Re: License No. 205227

Dear Dr. Arafiles:

Enclosed is a copy of Order #BPMC 08-29 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect February 29, 2008.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

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

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Andrew L. Schlafly, Esq.
939 Old Chester Road
Far Hills, NJ 07931

IN THE MATTER

CONSENT

OF

ORDER

ROLANDO GERMAN ARAFILES, M.D.
aka ROLANDO GERMAN ARAFILES, J.R., M.D.

BPMC No. #08-29

Upon the proposed agreement of **ROLANDO GERMAN ARAFILES, M.D., aka ROLANDO GERMAN ARAFILES, J.R., M.D.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2-21-2008



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER

CONSENT

OF

AGREEMENT

**ROLANDO GERMAN ARAFILES, M.D.
aka ROLANDO GERMAN ARAFILES, JR., M.D.
CO-07-04-2212-A**

AND ORDER

**ROLANDO GERMAN ARAFILES, M.D., aka ROLANDO GERMAN ARAFILES, JR.,
M.D., (Respondent) being duly sworn deposes and says:**

That on or about December 11, 1996, I was licensed to practice as a physician in the State of New York, having been issued License No. 205227 by the New York State Education Department.

My current address is 706 Champions Row, Victoria, TX 77904.

I understand that the New York State Board For Professional Medical Conduct has charged me with two (2) specifications of professional medical misconduct, based solely upon the Texas Medical Board, April 13, 2007, Order.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I agree not to contest Factual Allegations A and B(1) and the Second Specification, in full satisfaction of the charges against me.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, that I fully comply with the Texas Medical Board, Order, and that I keep my New York State license registration active. As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state.

I agree, therefore, in lieu of the settlement offered by the State of New York:

to never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED: 2/07/08


ROLANDO GERMAN ARAFILES, M.D.
aka ROLANDO GERMAN ARAFILES, JR., M.D.
Respondent

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

DATE: 2/5/08

Andrew L. Schlafly
ANDREW L. SCHLAFLY
Attorney for Respondent

DATE: 11 February 2008

Robert Bogan
ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 2/20/08

Keith W. Servis
KEITH W. SERVIS
Director
Office of Professional Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

STATEMENT

OF

OF

**ROLANDO GERMAN ARAFILES, M.D.
aka ROLANDO GERMAN ARAFILES, JR., M.D.
CO-07-04-2212-A**

CHARGES

ROLANDO GERMAN ARAFILES, M.D., aka ROLANDO GERMAN ARAFILES, JR., M.D., the Respondent, was authorized to practice medicine in New York state on December 11, 1996, by the issuance of license number 205227 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 13, 2007, the Texas Medical Board (hereinafter "Texas Board"), by an Agreed Order (hereinafter "Texas Order"), required Respondent, inter alia, to pay a \$1,000.00 administrative penalty and for a period of three (3) years Respondent shall not be permitted to supervise or delegate prescription authority for a physician assistant or advanced practice nurse or to supervise a surgical assistant and required him to obtain twenty (20) hours of CME, based on failing to supervise adequately the activities of those acting under his supervision; unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public; failure to meet the standard of care and failure to use proper diligence in one's practice; acting through his delegate, failing to practice medicine in an acceptable professional manner consistent with the public health and welfare; approval of a physician assistant's charting that violated a rule requiring the maintenance of adequate medical records; and approving a physician assistant's prescribing or administering a drug that is non-therapeutic in nature or non-therapeutic in the manner the drug or treatment is administered or prescribed.

B. The conduct resulting in the Texas Board 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(1) (negligence on more than one occasion);
2. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient); and/or
3. New York Education Law §6530(33) (failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensee).

SPECIFICATION
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper 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 Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken 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 New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Nov. 6*, 2007
Albany, New York


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