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., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

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

PUBLIC

May 20, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Carlos Toledo, M.D.
513 21st Street
Union City, NJ 07087

RE: License No. 098770

Dear Dr. Toledo:

Enclosed please find Order #BPMC 03-131 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect May 27, 2003.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

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

IN THE MATTER OF CARLOS TOLEDO, M.D.	ORDER
	BPMC No. 03-131

Upon the application of (Respondent) CARLOS TOLEDO, M.D. for an order to limit his license for a period of ninety days, and thereafter to surrender his license as a physician in the State of New York. The application annexed hereto s made a part of this Surrender Order. It is

ORDERED, that the Surrender, and its terms, are adopted and SO ORDERED, and the Surrender shall be effective 90 days after the issuance of this Order, and it is further

ORDERED, that effective immediately upon the issuance of this Order, the Respondent's practice shall be limited for a period of 90 days pursuant to the terms set forth in the application annexed hereto, and it is further

ORDERED, that at the time that the license Surrender goes into effect, the name of Respondent be stricken from the roster of physicians in the State of New York; 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.

DATED: 5-20-03

William P. Dillon, M.D.
WILLIAM P. DILLON, 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 CARLOS TOLEDO, M.D.	SURRENDER of LICENSE

CARLOS TOLEDO, M.D., representing that all of the following statements are true, deposes and says:

That on or about June 5, 1967, I was licensed to practice as a physician in the State of New York, and issued License No. 098770 by the New York State Education Department.

My current address is 513 21st Street, Union City, New Jersey 07087 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 has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Order and Surrender of License.

I am applying to the State Board for Professional Medical Conduct to surrender my license as a physician in the State of New York, as set forth below, on the grounds that I agree not to contest the specification of misconduct, in full satisfaction of the charges against me.

Effective ninety days after the issuance of this Order:

I agree to the Surrender of my License.

Effective immediately upon the issuance of this order and continuing until my license surrender becomes effective:

Pursuant to §230-a(3) of the Public Health Law, my license

to practice medicine in the state of New York shall be limited to preclude me from prescribing, dispensing, and/or administering Chorionic gonadotropin.

During the period of time my license is limited, I shall be subject to the following Conditions:

- I shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning me.
- I shall respond in a timely manner to all OPMC requests for written periodic verification of my compliance with this Order.
- I shall meet with a person designated by the Director of OPMC, as directed. I shall respond promptly and provide all access, documents, and information within my control, as directed.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I understand that if the Board does not accept this Application, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this application 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 the Public Health Law.

I agree that, if the Board accepts the Surrender of my License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to accept this Surrender of License of my own free will and not

under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, 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 Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order. I have not elected to be represented by Counsel.

DATED 4/13/03

CARLOS TOLEDO, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: 5/7/03

DANIEL GUENZBURGER
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 5/19/03

DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

Exhibit A

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

IN THE MATTER OF CARLOS TOLEDO, M.D.	STATEMENT OF CHARGES

CARLOS TOLEDO, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 5,1967, by the issuance of license number 098770 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. In or about and between October 2000 and February 2001 the Respondent treated Patient A, a 23 year old female, on multiple occasions at his office located 436 Fort Washington Avenue, New York, New York 10033. Patient A is identified in the annexed appendix. .Respondent deviated from medically accepted standards on more than once occasion by treating Patient A with::

1. Plegine .
2. Chorionic Gonadotropin.

SPECIFICATION OF CHARGES

SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on

more than one occasion as alleged in the facts of two or more of the following:

1. Paragraphs A, A1, and/or A2.

DATED: ~~March~~ May 8, 2003
New York, New York

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more) OF A MEDICAL LICENSE

1. Respondent shall immediately cease and desist the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.

2. Within fifteen (15) days of the Surrender Order's effective date, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.

3. Within thirty (30) days of the Surrender Order's effective date, Respondent shall have his or her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.

4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty (30) days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six (6) years after the last date of service, and, for minors, at least six (6) years after the last date of service or three (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 ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized 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 sent at reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.

5. Within fifteen (15) days of the Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.

6. Within fifteen (15) days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at his practice location, Respondent shall dispose of all medications.

7. Within fifteen (15) days of the Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health

care services.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by himself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for six (6) months or more pursuant to this Order, Respondent shall, within ninety (90) days of the Order's effective date, divest himself/herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the Order's effective date.

10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four (4) years, under Section 6512 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to $10,000 for each specification of misconduct, under Section 230-a of the Public Health Law.