



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

December 29, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Louis Moquette, M.D.
Suite #1
801 W. 181 Street
New York, New York 10033

RE: License No. 163733
Effective Date: 1/5/94

Dear Dr. Moquette:

Enclosed please find Order #BPMC 93-209 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,

C. Maynard Guest

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
LUIS MOQUETE, M.D. : BPMC #93-209

-----X

Upon the application of LUIS MOQUETE, 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: 23 December 1993

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
: APPLICATION
IN THE MATTER :
OF : FOR
LUIS MOQUETE, M.D. : CONSENT
: ORDER
-----X

STATE OF *New York*)
COUNTY OF *NY*) ss.:

LUIS MOQUETE, M.D., being duly sworn, deposes and says:

In or about 1985, I was licensed to practice as a physician in the State of New York, having been issued License No. 163733 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with eleven 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 First and Seventh through Eleventh Specifications in full satisfaction of the charges against me.

I hereby agree to the following penalty:

1. My license to practice medicine in New York State shall be suspended for a period of one (1) year beginning on the date I register with the New York State Education Department to again practice in New York State.
2. I shall be fined in the amount of \$10,000.00 payable in four (4) equal annual installments to the New York State Department of Health, the first installment to be paid on the date I register with the New York State Department of Education.
3. I shall be placed on probation for a period of three (3) years as more fully set forth in the Terms of Probation attached hereto as Exhibit "B".

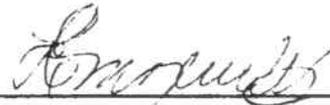
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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.



LUIS MOQUETE, M.D.
RESPONDENT

Sworn to before me this
23 day of NOV , 1973



NOTARY PUBLIC

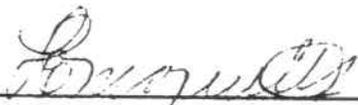
DAVID A. KAHN
Notary Public, State of New York
Comm. No. 12345

JUNE 95

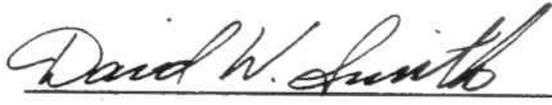
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : APPLICATION
OF : FOR
LUIS MOQUETE, 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: 12/7/93 
LUIS MOQUETE, M.D.
RESPONDENT

Date: 12/7/93 
CHARLES KARCH, ESQ.
ATTORNEY FOR RESPONDENT

Date: 12/9/93 
DAVID W. SMITH
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: Dec. 28, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 23 December 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

EXHIBIT "A"

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

-----X
IN THE MATTER : STATEMENT
OF : OF
LUIS MOQUETE, M.D. : CHARGES
-----X

LUIS MOQUETE, M.D., the Respondent, was authorized to practice medicine in New York State in 1985 by the issuance of license number 163733 by the New York State Education Department. The Respondent is not currently registered to practice medicine.

FACTUAL ALLEGATIONS

- A. In or about February, 1989, Respondent treated Patient A for sinusitis and other medical conditions at his office at 801 West 181st Street, New York City (Patient A and all other patients are identified in the Appendix attached hereto).
1. Respondent failed to perform and note an adequate physical examination.
 2. Respondent failed to take and note an adequate medical history.

3. Respondent caused an echocardiogram to be performed on Patient A which was unnecessary and excessive.
- B. From in and about May, 1988 through in or about October, 1989, Patient B was treated by Respondent for cough and other medical conditions at his office at 801 West 181st Street, New York City.
1. Respondent failed to perform and note an adequate physical examination.
 2. Respondent failed to take and note an adequate medical history.
 3. Respondent caused a spirometry test to be performed on September 18, 1989 on Patient B which was unnecessary and excessive.
 4. Respondent caused a sinus scan to be performed on Patient B which was unnecessary and excessive.

5. Respondent caused a renal sonogram to be performed on Patient B which was unnecessary and excessive.
 6. Respondent caused a retroperitoneal ultra sound to be performed on Patient B which was unnecessary and excessive.
- C. In or about May, 1989, Respondent treated Patient C for nasal tenderness and other medical conditions at his office at 801 West 181st Street, New York City.
1. Respondent failed to perform and note an adequate physical examination.
 2. Respondent failed to take and note an adequate medical history.
 3. Respondent inappropriately prescribed Raglan for Patient C.
 4. Respondent caused a spirometry test to be performed on Patient C which was unnecessary and excessive.

5. Respondent caused a sinus scan to be performed on Patient C which was unnecessary and excessive.
 6. Respondent caused an ophthalmic ultrasound to be performed on Patient C which was unnecessary and excessive.
- D. From in or about July, 1987 through in or about February, 1990, Respondent treated Patient D for pregnancy and other medical conditions at his office at 801 West 181st Street, New York City.
1. Respondent failed to perform and note an adequate physical examination.
 2. Respondent failed to take and note an adequate medical history.
 3. Respondent caused an electrocardiogram to be performed on Patient D which was unnecessary and excessive.

4. Respondent caused a spirometry test to be performed on Patient D which was unnecessary and excessive.
 5. Respondent caused an abdominal sonogram to be performed on Patient D which was unnecessary and excessive.
 6. Respondent caused a gall bladder sonogram to be performed on Patient D which was unnecessary and excessive.
- E. From in or about July, 1989 through in or about March, 1990, Respondent treated Patient E for anxiety and other medical conditions at his office at 801 West 181st Street, New York City.
1. Respondent failed to perform or note an adequate physical examination.
 2. Respondent failed to take or note an adequate medical history.
 3. Respondent caused an electrocardiogram to be performed on Patient E which was unnecessary and excessive.

4. Respondent caused a sinus scan to be performed on Patient E which was unnecessary and excessive.
5. Respondent caused a pelvic sonogram to be performed on Patient E which was unnecessary and excessive.
6. Respondent inappropriately prescribed Xanax for Patient E.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of N.Y. Educ. Law Section 6530(5) (McKinney Supp. 1993) in that Petitioner charges two or more of the following:

1. The facts in Paragraphs A and A1-2; B and B1-2; C and C1-3; D and D1-2; and/or E and E1-2 and 6.

SECOND THROUGH SIXTH SPECIFICATIONS

ORDERING EXCESSIVE TESTS

Respondent is charged with the ordering of excessive tests not warranted by the condition of the patient under N.Y. Educ. Law Section 6530(35) (McKinney Supp. 1993) in that Petitioner charges:

2. The facts in Paragraphs A and A3.
3. The facts in Paragraphs B and B3-6.
4. The facts in Paragraphs C and C4-6.
5. The facts in Paragraphs D and D3-6.
6. The facts in Paragraphs E and E3-5.

SEVENTH THROUGH ELEVENTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient within the meaning of N.Y. Educ. Law Section 6530(32). Petitioner charges:

7. The facts in Paragraphs A and A1-2.
8. The facts in Paragraphs B and B1-2.
9. The facts in Paragraphs C and C1-2.
10. The facts in Paragraphs D and D1-2.
11. The facts in Paragraphs E and E1-2.

DATED: New York, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. LUIS MOQUETE, M.D., 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 imposed by law and by his profession.
2. The duration of this probation shall be three (3) years beginning on the date when the actual suspension of Respondent's license expires.
3. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
4. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
6. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;

7. Respondent shall pay to the New York State Department of Health a fine in the sum of \$10,000.00. Such amount shall be payable in four equal annual installments, the first payment to be made on the date that Respondent registers to practice medicine in the State of New York.
8. 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 section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
9. Respondent shall have quarterly meetings with OPMC and/or a member of the State Board for Professional Medical Conduct during the Probation. At these meetings, Respondent's professional performance may be reviewed together with a random selection of office records, patient records or hospital charts selected by a representative of OPMC.
10. Respondent shall maintain legible medical records which accurately reflect his evaluation and treatment of his patients. In addition to other relevant information, these records shall contain a comprehensive history: physical examination as indicated; patient's chief complaints or present illness; diagnosis and treatment with appropriate data in support thereof; and an accurate record of prescriptions including amount of dosage and duration of treatment.
11. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
12. Respondent shall assume and bear all costs related to compliance with the Terms of Probation.