



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.
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NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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

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

November 21, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Geronimo Magsino, M.D.
1665 Castlefield Road
Virginia Beach, VA 23456

RE: License No. 126579

Dear Dr. Magsino:

Enclosed please find Order #BPMC 01-286 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 21, 2001.

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

cc:

Nancy Strohmeyer, Esq.

**IN THE MATTER
OF
GERONIMO MAGSINO, M.D.**

**SURRENDER
OF
LICENSE**

BPMC No. 01-286

GERONIMO MAGSINO, M.D., representing all statements herein made to be true, deposes and says:

On or about March 5, 1976, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 126579 by the New York State Education Department.

My current address is 1665 Castlefield Road, Virginia Beach, Virginia 23456, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I can not successfully defend against the acts of misconduct alleged in the statement of charges. This plea is made in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical

Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

 10/15/01
GERONIMO MAGSINO, M.D.
RESPONDENT

DATED _____

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 10/19/01

(Leave Blank if Unrepresented) Esq.
Attorney for Respondent

Date: 10/26/01


NANCY STROHMEYER
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: 11/16/01



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
GERONIMO MAGSINO, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Geronimo Magsino, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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

ORDERED, that 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, which may be accomplished by mailing, by first class mail, a copy of the Surrender 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: 11/20/01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
GERONIMO MAGSINO, M.D.**

**STATEMENT
OF
CHARGES**

GERONIMO MAGSINO, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 5, 1976, by the issuance of license number 126579 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. With respect to Patient A (patients are identified in the attached Appendix), on or about January, 1997, an abnormal mass was detected in Patient A's breast by a nurse. Respondent confirmed this observation by performing an examination of Patient A. Patient A, a nursing home resident, was referred to a local hospital for a biopsy. Due to lack of consent from Patient A's health care proxy, Patient A was returned to the nursing home without the procedure being performed.
1. Respondent failed to timely and appropriately note the initial discovery and existence of the abnormal breast mass, the ensuing referral for a consultation concerning a possible malignancy, or any change in Patient A's plan of care despite the existing lesion in medical records reflecting the monthly comprehensive physical examinations of Patient A in January through July of 1997.

B. On or about December 18, 1997, Respondent applied to the New York City Health and Hospitals Corporation for employment as physician at the Rikers Island Correctional Facility.

1. In the application for employment which Respondent completed, he knowingly falsely and with intent to mislead answered "no" to the following questions:

1. "To the best of your knowledge, have you ever been or are you the subject of a focused review or under investigation by New York State or one of its designated agencies, i.e. DOH or DSS?"
2. "Have you ever voluntarily or involuntarily resigned from any health care facility in order to avoid the imposition of disciplinary measures or curtailment of clinical privileges in any way?"

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

1. Paragraphs A and its subparagraphs.

SECOND SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

2. Paragraph B and its subparagraphs.

DATED: November , 2001
New York, New York

Roy P. Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct