



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

February 6, 2001

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

Hector Luis Castillo, M.D.  
1000 Madison Avenue  
Patterson, New Jersey 07501

Hector Luis Castillo, M.D.  
314 Ramapo Valley Road  
Oakland, New Jersey 07436

Hector Luis Castillo, M.D.  
P.O. Box 559 Park Station  
Patterson, New Jersey 07543

Hector Luis Castillo, M.D.  
327 21<sup>st</sup> Avenue  
Patterson, New Jersey 07501

### **RE: In the Matter of Hector Luis Castillo, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-29) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.


The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

**BPMC #01-29**

**IN THE MATTER  
OF  
HECTOR LUIS CASTILLO, M.D.**

A Notice of Referral Proceeding and Statement of Charges, both dated, December 7, 2000, were served upon the Respondent, **HECTOR LUIS CASTILLO, M.D.**

**TERESA S. BRIGGS, M.D., Ph.D.**, Chairperson, **RICHARD KASULKE, M.D.** and **MR. IRVING CAPLAN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on January 17, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **PAUL ROBERT MAHER, ESQ.**, and **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared in person on his own behalf.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:

None

For the Respondent:

Hector Luis Castillo, the Respondent

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **HECTOR LUIS CASTILLO, MD.**, the Respondent, was authorized to practice medicine in New York State on July 3, 1981, by the issuance of license number 146550 by the New York State Education Department. (Pet's. Ex. 5)

2. On May 26, 2000, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by an Interim Consent Order (hereinafter "New Jersey Order"), required that Respondent submit to a six (6) month period of proctoring of his ophthalmology practice and take and successfully complete two (2) sixty-hour CME review courses, based on serious concerns about his internal medicine practice, his ophthalmology practice, and his record keeping. (Pet's. Ex. 6)

## HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the New Jersey Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(3) (negligence on more than one occasion);
- New York Education Law §6530(32) (failure to maintain accurate records).

## **VOTE OF THE HEARING COMMITTEE**

### **SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having had disciplinary action taken after a disciplinary action was instituted 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 of New York state.

**VOTE: SUSTAINED (3-0)**

### **HEARING COMMITTEE DETERMINATION**

The record in this case indicates that on May 26, 2000, the New Jersey Board of Medical Examiners issued an Interim Consent Order requiring the Respondent to submit to a six (6) month period of proctoring of his ophthalmology practice and take and successfully complete two (2) sixty-hour CME review courses, based on serious concerns about his internal medicine practice, his ophthalmology practice and his record keeping.

The Respondent is currently in the process of complying with the New Jersey Interim Order.

The Hearing Committee determines that the interests of the people of the State of New York would be best served by SUSPENDING the Respondent's license to practice medicine in New York State until such time as the Respondent submits proof to the Office of Professional Medical Conduct that he has successfully complied with all of the provisions of the New Jersey Interim Order; that the New Jersey State Board of Medicine Examiners

has made a final determination in this matter, and that his license to practice medicine in New Jersey is in good standing.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

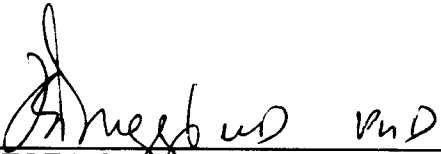
1. The Respondent's license to practice medicine in the State of New York is **SUSPENDED** until such time as the Respondent submits proof to the Office of Professional Medical Conduct that:

- He has successfully complied with all of the provisions of the May 26, 2000 Interim Order of the New Jersey State Board of Medical Examiners.
- The New Jersey State Board of Medical Examiners has made a **FINAL DETERMINATION** in this matter.
- The Respondent's license to practice medicine in the State of New Jersey is in good standing.

2. This Order shall be effective upon service on the Respondent or Respondent's Attorney by personal service or by certified or registered mail.

DATED: Feb 1, 2001

, New York

  
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TERESEA S. BRIGGS, M.D., Ph.D., Chairperson

RICHARD KASULKE, M.D.  
MR. IRVING CAPLAN

APPENDIX I

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

IN THE MATTER

NOTICE OF

OF

REFERRAL

HECTOR LUIS CASTILLO, M.D.

PROCEEDING

**TO:** HECTOR LUIS CASTILLO, M.D.  
314 Ramapo Valley Road  
Oakland, NJ 07436

HECTOR LUIS CASTILLO, M.D.  
1000 Madison Avenue  
Patterson, NJ 07501

HECTOR LUIS CASTILLO, M.D.  
P.O. Box 559  
Park Station  
Patterson, NJ 07543

HECTOR LUIS CASTILLO, M.D.  
327 21<sup>st</sup> Avenue  
Patterson, NJ 07501

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 18<sup>th</sup> day of January 2001, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.



If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before January 8<sup>th</sup>, 2001.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before January 8<sup>th</sup>, 2001, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for Professional Medical Conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION

THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR  
EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN  
ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

*December 7*, 2000



PETER D. VAN BUREN

Deputy Counsel

Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0820

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

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**IN THE MATTER  
OF  
HECTOR LUIS CASTILLO, M.D.**

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**STATEMENT  
OF  
CHARGES**

HECTOR LUIS CASTILLO, M.D., the Respondent, was authorized to practice medicine in New York state on July 3, 1981, by the issuance of license number 146550 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about May 26, 2000, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, (hereinafter "New Jersey Board"), by an Interim Consent Order (hereinafter "New Jersey Order"), required that Respondent submit to a six (6) month period of proctoring of his ophthalmology practice and take and successfully complete two sixty hour CME review courses, based on his internal medicine practice, his ophthalmology practice, and his record keeping.

B. The conduct resulting in the New Jersey Board's 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(16) (failure to comply with federal, state or local rules governing the practice of medicine); and/or


3. New York Education Law §6530(32) (failure maintain accurate records).

**SPECIFICATION**

Respondent violated New York State Education Law §6530(9)(d) by reason of having had disciplinary action taken after a disciplinary action was instituted 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 medical conduct, in that Petitioner charges:

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

DATED: *Dec 7*, 2000  
Albany, New York

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