

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **LEANDRO F. BATERINA, JR., M.D.**

4 Holder of License No. **26528**
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Board Case No. MD-04-0581A

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

(Probation)

7 The Arizona Medical Board ("Board") considered this matter at its public meeting
8 on June 8, 2005. Leandro F. Baterina, Jr., M.D., ("Respondent") appeared before the
9 Board without legal counsel for a formal interview pursuant to the authority vested in the
10 Board by A.R.S. § 32-1451(H). The Board voted to issue the following findings of fact,
11 conclusions of law and order after due consideration of the facts and law applicable to
12 this matter.

13 **FINDINGS OF FACT**

14
15 1. The Board is the duly constituted authority for the regulation and control of
16 the practice of allopathic medicine in the State of Arizona.

17 2. Respondent is the holder of License No. 26528 for the practice of allopathic
18 medicine in the State of Arizona.

19 3. The Board initiated case number MD-04-0581A after Respondent indicated
20 on his license renewal form that action had been taken by the North Dakota Medical
21 Board ("North Dakota Board") against his North Dakota medical license. The North
22 Dakota Board received a complaint that Respondent lacked understanding or
23 pathophysiology of common medical problems, lacked understanding of pharmacology,
24 and was unable to diagnose and treat complex illnesses that present in his family
25 practice and in the emergency room.

1 4. At the request of North Dakota Board Respondent underwent an evaluation
2 by the University of Wisconsin. The evaluation found Respondent deficient in several
3 areas of clinical competence. The evaluation also opined that Respondent could be
4 remediated. The major concerns raised by the evaluation were problem-solving abilities,
5 emergency medicine knowledge and pharmacology knowledge. The North Dakota Board
6 entered an order that proposed two plans for Respondent. The first required intense
7 continuing medical education ("CME") for two years with closely supervised clinical care.
8 The second required two years of postgraduate training and no independent practice.

9 5. The Board reviewed Respondent's credentials, specifically his receipt of a
10 medical degree in the Philippines in 1976, his internship in 1977 in the Philippines, and
11 his Education Commission for Foreign Medical Graduates ("ECFMG") certification in
12 1991. Respondent was asked what he did between 1977 and 1991. Respondent
13 testified he was trying to pass his boards for the ECFMG and the United States Medical
14 Licensing Examination ("USMLE"). Respondent noted between 1991 and 1994 he was
15 formally admitted to residency training, family practice, at the University of Texas Health
16 Science Center in Houston. Respondent noted Texas did not approve the ECFMG and
17 he had to retake the USMLE, but was unable to pass Part 1 of the USMLE. As a result,
18 Respondent went on to work with a physician and he applied for license in Arizona, but
19 did not practice here. Respondent testified he obtained a North Dakota license and went
20 there as a primary care physician in family practice. Respondent remained in North
21 Dakota for three years. Respondent testified his main problem in North Dakota was in
22 the community hospital where a rival physician said the care Respondent provided in the
23 emergency room was not substantial to their setting.

24 6. The Board asked if Respondent practiced medicine between 1977 and
25 1991. Respondent said he did not, other than the one year residency. The Board

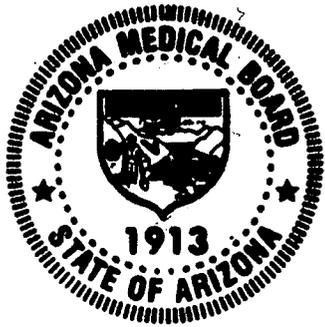
1 confirmed with Respondent that he had selected the first option contained in the North
2 Dakota Board order requiring he obtain intense CME and practice in a setting where he is
3 supervised by another licensed physician. Respondent was asked if this was what was
4 happening in his current practice setting. Respondent testified it was not and noted he
5 has not practiced since September 2004 when he was terminated from his employment
6 because of the cost to his employer of providing a physician to supervise his practice.
7 Respondent was asked what he had done since September to comply with the North
8 Dakota Board order. Respondent testified he told the North Dakota Board that he would
9 be fulfilling the University of Wisconsin recommendation, but he thought he would present
10 to the Board for the formal interview. Respondent noted he is willing to comply with the
11 University of Wisconsin recommendation.

12 7. Respondent was asked what he done so far to comply with the two-year
13 remedial program recommended by the University of Wisconsin. Respondent noted the
14 two year program costs about \$25,000 and he had an attorney in North Dakota trying to
15 make an arrangement to decrease the two-year period. The Board confirmed that the
16 North Dakota Board left Respondent with the option of completing the two-year remedial
17 program or doing two years of residency. Respondent was asked what his plan was
18 since he indicated it was difficult to comply with the North Dakota Board order while he
19 was unemployed. Respondent testified he currently lives in Houston, Texas, but was
20 thinking he could probably do the program at the University of Arizona instead of in
21 Wisconsin. Respondent was asked if he had specific plans for complying with the North
22 Dakota Board order. Respondent testified he had ready plans to go to the University of
23 Wisconsin and they have devised a program for him that would not be too cumbersome
24 and allows him to stay there for three months and then come back to Arizona and do the
25 CME through the internet and then go back to Wisconsin for another three months.

1 filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to
2 Respondent.

3 Respondent is further notified that the filing of a motion for rehearing or review is
4 required to preserve any rights of appeal to the Superior Court.

5 DATED this 13th day of October, 2005.



THE ARIZONA MEDICAL BOARD

By _____
TIMOTHY C. MILLER, J.D.

Executive Director

12 ORIGINAL of the foregoing filed this
13 13th day of October, 2005 with:

14 Arizona Medical Board
15 9545 East Doubletree Ranch Road
16 Scottsdale, Arizona 85258

17 Executed copy of the foregoing
18 mailed by First Class Mail this
19 13th day of October, 2005, to:

20 Leandro F. Baterina, Jr., M.D.
21 Address of Record

Exhibit 1

BEFORE THE BOARD OF MEDICAL EXAMINERS

STATE OF NORTH DAKOTA

North Dakota State Board of Medical)
 Examiners - Investigative Panel B,)
)
 Complainant,)
)
 vs.)
)
 Leandro F. Baterina, Jr., M.D.,)
)
 Respondent.)

AMENDED ORDER
RESTRICTING LICENSE

WHEREAS on July 25, 2003 the North Dakota State Board of Medical Examiners issued an Order placing restrictions on the Respondent's license to practice medicine in this state.

The Order of July 25, 2003 incorporated the terms of a Stipulation which was executed by the Respondent on July 7, 2003.

Under the terms of the Board's Order the Respondent was required to participate in an education assessment at the University of Wisconsin.

The Respondent completed that education assessment on January 26, 2004.

Upon completion of the education assessment the report which is attached here (and identified as Exhibit 1) was prepared by the University of Wisconsin Department of Continuing Medical Education.

Paragraph two (2) of the Amended Stipulation signed by the Respondent on July 7, 2003, permits the Board of Medical Examiners absolute discretion to modify the restrictions on the Respondent's practice "subject to any additional terms or conditions it may, in its discretion, deem necessary".

Based upon the assessment which was completed at the University of Wisconsin the Board

of Medical Examiners finds that in order to adequately protect the public the Board's Order of July 25, 2003, must be amended so as to further restrict the Respondent's practice.

NOW THEREFORE the Board's Order of July 25, 2003, is hereby amended to provide that:

1) It is the Order of the North Dakota State Board of Medical Examiners that License No. 8676 previously issued to Leandro F. Baterina, Jr., MD, is hereby limited and conditioned as specified in the Stipulation dated July 8, 2003, which was adopted by the Board on July 25, 2003, and the same shall be incorporated herein in its entirety and shall constitute the further Order of this Board and furthermore;

2) Prior to providing unsupervised patient care in any form Respondent must complete one of the following rehabilitation plans:

Plan A

Respondent will successfully complete a remedial education program of approximately two (2) years duration to be detailed by the University of Wisconsin Office of Continuing Medical Education. Prior to completing that program of remedial education the Respondent shall not provide medical care to any patient unless the Respondent is supervised by another licensed physician who has been approved as supervising physician by the Board of Medical Examiners. For purposes of this Order "supervised" means that the supervising physician is actually in attendance in the exam room each time the Respondent examines or treats a patient or otherwise provides patient care in any form. The supervising physician must actually observe all examinations and treatments performed by the Respondent. The supervising physician must provide monthly reports to the Board

of Medical Examiners detailing the supervising physician's observations regarding the quality of the medical care being provided by the Respondent.

Plan B

Respondent will successfully complete two (2) years of ACGME approved postgraduate training in Family Practice. During that two (2) year period the Respondent shall not provide medical care in any form outside the context of the postgraduate training program.

3) The restrictions set forth herein are effective immediately.

Dated this 23rd day of July, 2004.

NORTH DAKOTA STATE BOARD
OF MEDICAL EXAMINERS

By: W. C. Elder, M.D.
WILLIAM C. ELDER, M.D.
Chairman