



DUPLICATE COPY  
via FIRST CLASS MAIL  
DATE: 3-17-90

## COMMONWEALTH of VIRGINIA

Department of Health Professions  
Board of Medicine

Bernard L. Henderson, Jr.  
Director

1601 Rolling Hills Drive, Suite 200  
Richmond, Virginia 23229-5005  
(804) 662-9908  
FAX (804) 662-9943

Hilary H. Connor, M.D.  
Executive Director

March 12, 1990

Walter C. Guarino, M.D.  
2424 Carey Lane  
Vienna, Virginia 22180

CERTIFIED MAIL  
P 162 785 921

Dear Dr. Guarino:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on April 12, 1990, at 1:00 p.m. at the Sheraton-Fredericksburg Resort & Conference Center, I-95 & Virginia Route 3, Fredericksburg, Virginia. The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code").

An informal conference committee ("Committee"), composed of three members of the Board will inquire into allegations that you may have violated certain laws and regulations governing the practice of medicine in Virginia. Specifically, you may have violated § 54.1-2915.A(1) and (3) as further defined in 54.1-2914.A(9), (13) and (15) of the Code, in that:

1. From February through March 1987, you charged Patient A and accepted payment from her insurance carrier for services which were not provided on the following dates: 2/16/87, 3/9/87 and 3/24/87. Said charges were billed with the intent to defraud the patient and his insurance carrier. On August 3, 1987, you refunded \$420 to Patient A's insurance carrier.

2. From July 1986 through March 1987, you charged Patient B and accepted payment from her insurance carrier for services which were not provided on the following dates, 7/2/86, 7/26/86, 8/16/86, 8/27/86, 10/31/86, 2/9/87, 2/17/87, 2/23/87, 3/11/87, 3/18/87, 3/21/87, 3/25/87. Said charges were billed with the intent to defraud the patient and her insurance carrier.

3. From January through March 1987, you charged Patient C and accepted payment from his insurance carrier for services which were not provided on the following dates: 1/5, 1/9, 1/12, 1/16, 1/19, 1/23, 1/27, 1/30, 2/2, 2/6, 2/14, 2/16, 2/21, 2/23, 2/28, 3/2, 3/7, 3/9, 3/14, 3/16, 3/21, 3/23, 3/28 and 3/30/87. Said charges were billed with the intent to defraud the patient and his insurance carrier.

4. From February through March 1987, you charged Patient D and accepted payment from her insurance carrier for services which were not provided on the following dates: 2/2, 2/6, 2/9, 2/14, 2/16, 2/21, 2/23, 2/28, 3/2, 3/7,

Notice to Walter C. Guarino, M.D.  
March 12, 1990  
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3/9, 3/14, 3/16, 3/21 3/23, 3/28 and 3/30/87. Said charges were billed with the intent to defraud the patient and her insurance carrier.

5. From November 1986 through April 1987, you charged Patient E and accepted payment from his insurance carrier for services which were not provided on the following dates: 11/10, 11/24, 12/1/86, 1/16, 1/26, 2/4, 2/14, 2/23, 2/25, 3/2, 3/4, 3/11, 3/13, 3/18, 3/25, 4/1 and 4/8/87. Said charges were billed with the intent to defraud the patient and his insurance carrier.

6. From September 1984 through April 1987, you charged Patient F and accepted payment from his insurance carrier for services which were not provided on the following dates: 9/6, 9/13, 9/17, 9/20, 9/24, 9/27, 10/1, 10/5, 10/6, 10/9, 10/15, 10/19, 10/22, 10/26, 10/29, 10/31, 11/1, 11/3, 11/5, 11/13, 11/17, 11/19, 11/24, 11/26, 12/3, 12/7, 12/15, 12/17, 12/21/84; 1/7, 1/14, 1/19, 1/21, 1/26, 1/31, 2/8, 2/11, 2/16, 2/18, 2/12, 2/23, 3/2, 3/4, 3/11, 3/16, 3/18, 3/23, 3/30, 4/1, 4/6, 4/8, 4/13, 4/16, 4/20, 4/22, 4/26, 4/27, 5/4, 5/6, 5/13, 5/20, 6/3, 6/10, 6/24, 6/26, 7/8, 7/15, 7/29, 8/5, 8/6, 8/12, 8/19, 9/3, 9/16, 9/24, 10/1, 10/7, 10/28, 11/4, 11/11, 11/18, 12/2, 12/9, 12/23/85; 1/27, 2/3, 2/10, 2/17, 2/19, 2/24, 3/11, 3/19, 3/26, 4/1, 4/8, 4/22, 5/1, 5/6, 5/13, 5/15, 5/20, 5/22, 6/4, 6/11, 6/18, 6/25, 7/1, 7/14, 7/15, 7/22, 7/29, 8/5, 8/13, 8/26, 9/2, 9/16, 9/23, 10/7, 10/14, 10/21, 11/4, 11/11, 11/18, 11/25, 12/2, 12/16, 12/23, 12/30/86; 1/6, 1/12, 1/26, 2/2, 2/9, 3/1, 3/2, 3/6, 3/9, 3/11, 3/18, 3/23, 3/25, 3/30, 4/3, and 4/8/87. Said charges were billedd with the intent to defraud the patient and his insurance carrier.

In order to protect the privacy of your patients, they have been identified here by letter only. Please see Attachment I of this notice for the names of the individuals referred to above. You may be represented by an attorney at the informal conference. The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing;
2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice in Virginia;
3. The Committee may reprimand or censure you; or
4. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of in Virginia.

Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions. Please inform this office whether you intend to appear at the conference at least ten (10) days prior to the scheduled date above. Also please provide the Board with a telephone number where you may be reached.

Notice to Walter C. Guarino, M.D.  
March 12, 1990  
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Enclosed you will find copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of and the other healing arts in Virginia.

If you have questions concerning this notice, please contact Karen D. Waldron, Deputy Executive Director, Discipline.

Enclosed you will find copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of medicine in Virginia. Should you have any questions concerning this notice of the Board, please contact Karen Waldron, Deputy Executive Director.

Sincerely,



Hilary H. Connor, M.D.  
Executive Director  
Virginia Board of Medicine

KTM:bi0312N2.med

cc: G. Edward Calvert, M.D., President  
Howard M. Casway, Assistant Attorney General  
Informal Conference Committee  
Karen T. McCaffrey, Legal Assistant  
Division of Investigations ( 87-01056)  
George Wilbur, Director of Public Information  
Gloria King, Probation Analyst

Enclosures:

Attachment I  
Virginia Code Sections:  
9-6.14:11  
54.1-2919  
54.1-2915  
54.1-2914

Map

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: WALTER C. GUARINO, M.D.

CONSENT ORDER

Pursuant to Sections 9-6.14:11 and 54.1-2919 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Walter C. Guarino, M.D., on April 12, 1990, in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the informal conference committee ("Committee") were: Catherine S. Casey, M.D., Chairperson; Franklin J. Pepper, M.D.; and David E. Brown, D.C. Dr. Guarino was present and represented by counsel, John D. Grad, Esq. The Board was represented by Howard M. Casway, Assistant Attorney General. The purpose of the informal conference was to inquire into allegations that Dr. Guarino may have violated certain laws governing the practice of medicine in Virginia, as set forth in the Board's notice of informal conference dated March 12, 1990.

FINDINGS OF FACT

Now, having properly considered the evidence presented, the Committee makes the following findings of fact:

1. From February through March 1987, Walter C. Guarino, M.D., charged Patient A and accepted payment from her insurance carrier for services which were not provided on the following dates: 2/16/87, 3/9/87, and 3/24/87.
2. From July 1986 through March 1987, Walter C. Guarino, M.D., charged Patient B and accepted payment from her insurance carrier for services which were not provided on the following dates: 7/2/86, 7/26/86, 8/16/86, 8/27/86, 10/31/86, 2/9/87, 2/17/87, 2/23/87, 3/11/87, 3/18/87, and 3/25/87.

3. From February through March 1987, Walter C. Guarino, M.D., charged Patient D and accepted payment from her insurance carrier for services which were not provided on the following dates: 2/2/87, 2/6/87, 2/9/87, 2/16/87, 2/23/87, 3/2/87, 3/9/87, 3/16/87, 3/21/87, 3/23/87, and 3/30/87.

4. From January through April 1987, Walter C. Guarino, M.D., charged Patient E and accepted payment from his insurance carrier for services which were not provided on the following dates: 1/26/87, 3/4/87, 3/11/87, 3/18/87, 3/25/87, and 4/1/87.

5. Walter C. Guarino, M.D., charged Patient F and accepted payment from his insurance carrier for service not provided on 10/29/84.

6. By his own admission, Dr. Guarino submitted falsified patient billing logs while under subpoena from the Department of Health Professions.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Guarino has violated Section 54.1-2915.A(1) and (3) as further defined in Section 54.1-2914.A(9) of the Code.

#### CONSENT

I, Walter C. Guarino, M.D., by affixing my signature hereto, acknowledge that:

1. I have been specifically advised to seek the advice of counsel prior to signing this document;

2. I am aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, Section 9-6.14:1 et seq., of the Code;

3. I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and to cross-examine witnesses against me;

4. I waive all such rights to a formal hearing;
5. I admit to the foregoing Findings of Fact; and
6. I consent to the entry of this Consent Order affecting my license to practice medicine in the Commonwealth of Virginia.

#### ORDER

WHEREFORE, it is hereby ORDERED that the license of Walter C. Guarino, M.D., be placed on INDEFINITE PROBATION upon the following terms and conditions:

1. Dr. Guarino shall pay a monetary penalty of Six thousand four hundred dollars (\$6400.00) which is to be submitted to the Board within ten (10) days of the entry of this Order.

2. Within one year of the entry of this Order, Dr. Guarino shall perform 100 hours of volunteer community service with a non-profit organization selected by Dr. Guarino from the attached Board approved list. A report regarding Dr. Guarino's service is to be submitted to the Board on a quarterly basis by the director of the organization, or his/her appointed designee. Said report is to include a description of Dr. Guarino's function with the agency, an evaluation of his performance, and verification of the number of hours served.

3. Within one year of the entry of this Order, a random sampling of records for patients treated by Dr. Guarino during the preceding 12 months shall be conducted by the Board of Medicine, or an authorized representative of the Department of Health Professions. Said records will be reviewed by this Committee and will evaluate Dr. Guarino's practice of psychiatry to include, but not limited to, patient billing, insurance claims, and general office and record keeping procedures.

4. Dr. Guarino shall appear before an informal conference committee in one year. Said Committee shall monitor Dr. Guarino's compliance with the terms

and conditions of this Order and review any documents and/or reports generated by the above probationary terms. Said Committee shall also determine the frequency of appearances before it by Dr. Guarino and serve as an instrument of the Board responsible for reviewing and approving all information relative to the terms and conditions of this Order.

5. Dr. Guarino shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Chapter 29, Title 54.1 of the Code and with all laws of Virginia.

Violation of this Consent Order shall constitute grounds for the revocation of the license of Walter C. Guarino, M.D. In the event Dr. Guarino violates any of the terms and conditions of this Consent Order, a formal administrative hearing shall be convened to determine whether the license of Walter C. Guarino, M.D., shall be revoked.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:



Hilary H. Connor, M.D.  
Executive Director  
Virginia Board of Medicine

ENTERED: 5-24-90

SEEN AND AGREED TO:

  
Walter C. Guarino, M.D.

COMMONWEALTH OF VIRGINIA  
~~COUNTY~~/CITY OF ALEXANDRIA, to wit:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia at large, this 15<sup>th</sup> day of MAY, 1990 by Walter C. Guarino, M.D.

Maice Stephens  
Notary Public

My commission expires: 5-30-92

RECEIVED: May 23, 1990

Bernard L. Henderson, Jr.  
Bernard L. Henderson, Jr., Director  
Department of Health Professions

KTM:bi041601.med





# COMMONWEALTH of VIRGINIA

Department of Health Professions  
Board of Medicine

W. Henderson, Jr.  
Director of Department

W. Cannon, M.D.  
President of the Board

December 9, 1991

1601 Rolling Hills Drive, Suite 200  
Richmond, Virginia 23229-5005  
(804) 662-9908  
FAX (804) 662-9943

Walter C. Guarino, M.D.  
2424 Carey Lane  
Vienna, Virginia 22180

**CERTIFIED MAIL**  
P 857 807 734

Dear Dr. Guarino:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Thursday, January 16, 1992 at 2:30 p.m. at the Sheraton-Fredericksburg Resort & Conference Center, I-95 & Route 3, Fredericksburg, Virginia. The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code").

An informal conference committee ("Committee"), composed of three members of the Board, will review your compliance with the terms and conditions of the indefinite probation imposed upon your license to practice medicine in Virginia as set forth in a Consent Order of the Board entered May 21, 1990.

You may be represented by an attorney at the informal conference. The following actions may be taken by this Committee:

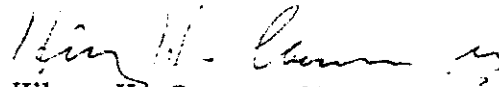
1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, or in the event of a violation of the terms of your indefinite probation, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing;
2. In the event the Committee finds that you have violated the terms of your indefinite probation, the Committee may reprimand or censure you; or
3. The Committee may modify the terms and conditions of the indefinite probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing your profession in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of medicine and other healing arts in Virginia.

Should you fail to appear at the informal conference the Committee may proceed to a formal administrative hearing in order to impose sanctions. Please inform this office whether you intend to appear at the conference at least ten (10) days prior to the scheduled date above. Also please provide the Board with a telephone number where you may be reached.

Notice to Walter C. Guarino, M.D.  
December 9, 1991  
Page 2

Please find enclosed for your reference copies of relevant statutes and the Board's May 21, 1990 Consent Order. Should you have any questions regarding this notice, please contact Karen W. Perrine, Deputy Executive Director, Discipline.

Sincerely,

  
Hilary H. Connor, M.D.  
Executive Director  
Virginia Board of Medicine

KTM:AB0613N1:NOTICES

cc: Tony C. Butera, D.P.M., President  
Howard M. Casway, Assistant Attorney General  
Karen T. McCaffrey, Legal Assistant  
Informal Conference Committee  
Division of Inspections (87-01056)  
George Wilbur, Director of Public Information  
Gloria King, Probation Analyst  
John D. Grad, Esquire

Enclosure:

Virginia Code Sections:

54.1-2919

9-6.14:11

Consent Order dated May 21, 1990

Map

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE:       WALTER C. GUARINO, M.D.  
              License No. 0101-027970**

**ORDER**

Pursuant to Sections 54.1-2919 and 9-6.14:12 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Walter C. Guarino, M.D. on Thursday, January 16, 1992 in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the informal conference committee ("Committee") were: F. J. Pepper, M.D., Chairman; Catherine S. Casey, M.D.; and Leslie H. Vogt. Dr. Guarino was present but was not represented by counsel. The Board was represented by Frank W. Pedrotty, Assistant Attorney General. The purpose of the informal conference was to review Dr. Guarino's compliance with the terms and conditions of his indefinite probation, as set forth in a Consent Order of the Board entered May 21, 1990.

**FINDINGS OF FACT**

Having considered the information presented, the Committee finds by clear and convincing evidence that Dr. Guarino is in compliance with the terms and conditions of the Board's May 21, 1990 Consent Order.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Committee concludes that:


Dr. Guarino is properly before it, and it is responsible for approving and reviewing all information relative to his compliance with the terms and conditions of his indefinite probation, and has the discretion to modify or continue the terms of the May 21, 1990 Consent Order.

ORDER

WHEREFORE, it is hereby ORDERED that the indefinite probation imposed upon Dr. Guarino's license to practice medicine in Virginia is terminated, and his license is hereby REINSTATED with all attendant rights and privileges.

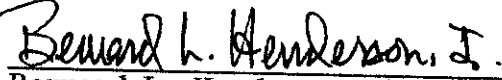
Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
\_\_\_\_\_  
Hilary H. Connor, M.D.  
Executive Director  
Virginia Board of Medicine

Entered: 1-28-92

RECEIVED: February 1, 1992

  
\_\_\_\_\_  
Bernard L. Henderson, Jr., Director  
Department of Health Professions

KTM:KB011702:ORDERS