FILED

October 27, 1989

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF LIBICO MARIO DIBLASIO LICENSE NO. 34552 TO PRACTICE MEDICINE & SURGERY IN THE STATE OF NEW JERSEY	: : : : :	Administrative Action ORDER OF LICENSURE REVOCATION

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the filing of a two count Administrative Complaint by Peter N. Perretti, Jr., Attorney General of New Jersey, by Paul R. Kenny, Deputy Attorney General, on April 26, 1989. The first count of said complaint was predicated upon allegations that respondent Libico Mario DiBlasio ("DiBlasio") had plead guilty in the Superior Court of New Jersey to the crime of possession of a controlled dangerous substance with intent to distribute, for which crime he had been sentenced to a period of incarceration of eight years. Specifically, the Attorney General alleged that DiBlasio had been charged, by way of indictment, with one count of unlawful

possession of a controlled dangerous substance under N.J.S.A. 24:21-20, one count of possession of a controlled dangerous substance with intent to distribute under N.J.S.A. 24:21-19a(1) and one count of distribution of a controlled dangerous substance under N.J.S.A. 24:21-19a(1); that on or about January 5, 1989 DiBlasio entered a plea of guilty to one count of possession of a controlled dangerous substance with intent to distribute, in violation of N.J.S.A. 24:21-19a(1), whereupon the other counts were dismissed, and that on March 8, 1989, DiBlasio was sentenced to a term of imprisonment of eight years, which sentence was to run concurrently with a term of sentence DiBlasio was serving in the State of New York. Complainant Attorney General alleged that the conviction constituted a conviction of a crime involving moral turpitude and was thus grounds for disciplinary sanction pursuant to N.J.S.A. 45:9-16(c), and that the conviction conclusively established facts which both showed that respondent engaged in the use or employment of dishonesty, deception, misrepresentation, false promise or false pretense, in violation of N.J.S.A. 45:1-21(b) and which constituted professional misconduct in violation of N.J.S.A. 45:1-21(e).

The second count of the complaint was predicated upon the revocation of DiBlasio's license to practice medicine in the State of New York. Specifically, complainant alleged that on or about September 18, 1987, DiBlasio's license and registration to practice as a physician in the State of New York were revoked by the New York State Commissioner of Education on behalf of the Board of Regents, which action was based upon a finding by a

preponderance of the evidence that DiBlasio had been guilty of professional misconduct. The Attorney General alleged that the revocation of DiBlasio's license in the State of New York had been based upon DiBlasio's conviction for various felonies under New York State Law, including two counts of the criminal sale of a controlled substance in the second degree; one count of the criminal sale of a controlled substance in the second degree; one count of the criminal sale of a controlled substance in the third degree; and one count of criminal possession of a controlled substance in the fourth degree. Complainant alleged that the action taken by the Commissioner of Education constituted the suspension of DiBlasio's authority to engage in the practice of medicine in a sister state for reasons consistent with those set forth at N.J.S.A. 45:1-21, therefore constituting grounds for disciplinary sanction pursuant to N.J.S.A. 45:1-21(g). Complainant additionally alleged that the criminal convictions upon which the action taken by the Commissioner of Education of the State of New York was predicated provided separate bases for disciplinary sanction against DiBlasio in the State of New Jersey pursuant to N.J.S.A. 45:1-21(f) and N.J.S.A. 45:9-16(c) (convictions of crimes of moral turpitude as well as convictions of crimes relating adversely to the practice of medicine), N.J.S.A. 45:1-21(b) (use or employment of dishonesty, deception, misrepresentation, false promise or false pretense), and N.J.S.A. 45:1-21(e) (professional misconduct).

Respondent DiBlasio submitted an answer filed on May 5, 1989 in the form of a letter to the Board. Therein, respondent

specifically admitted that the allegations of the complaint were true; DiBlasio thus wrote "I recognize that the statements of facts related to the conviction are true. I do not contest those facts." Within the answer, respondent thereafter recounted the events which led to his arrest, argued that his arrest came as the result of entrapment, and provided argument in mitigation of penalty generally concerning his having recovered from his drug addiction and the deep religious convictions which he had formed since the time of his drug addiction and arrest. Respondent additionally stated that his plea of guilty to the charges in New Jersey was made pursuant to a plea bargain that his lawyer had recommended he accept, and that he was awaiting a decision in a pending appeal of the New York determination.

On August 9, 1989, a hearing was held before the Board. Paul R. Kenny, Deputy Attorney General, appeared on behalf of Peter N. Perretti, Jr., Attorney General of the State of New Jersey. Respondent did not appear at the hearing nor was he represented by legal counsel, however the Board did take note that respondent had submitted an extensive answer in the form of a letter and specifically considered that letter which respondent had submitted as part of the record.

At the August 9, 1989 hearing, complainant offered into evidence the Judgment of Conviction and the Order for Commitment entered in the Superior Court of New Jersey, Passaic County, by Joseph F. Scancarella, J.S.C.; and a certified true copy of the Order of Revocation of DiBlasio's license to practice medicine in the State of New York. On motion of the chair, it was directed

that respondent's letter in answer to the complaint be specifically received into evidence.

Upon review and consideration of the record in this matter, the Board finds that respondent plead guilty to and was convicted of one count of possession of a controlled dangerous substance with intent to distribute, which conviction provides grounds for the revocation or suspension of respondent's license pursuant to N.J.S.A. 45:1-21 (f) and N.J.S.A. 45:9-16(c) and which conviction conclusively establishes facts which constitute grounds for the revocation or the suspension of respondent's license pursuant to N.J.S.A. 45:1-21(b) and (e). The Board additionally finds that the respondent's license to practice in the State of New York was revoked by the New York State Commissioner of Education on behalf of the Board of Regents, and that said revocation provides grounds for the revocation or suspension of respondent's license in the State of New Jersey pursuant to N.J.S.A. 45:1-21(g); that the criminal convictions upon which the revocation of respondent's license to practice medicine in the State of New York were crimes which independently provide adequate bases for the revocation or suspension of respondent's license pursuant to N.J.S.A. 45:1-21 (f) and N.J.S.A. 45:9-16(c); and that the convictions upon which the action taken by the Commissioner of Education, State of New York, was predicated conclusively established facts which independently would constitute grounds for the revocation or suspension of respondent's license pursuant to N.J.S.A. 45:1-21(b) and (e).

Having found respondent guilty as charged within the

complaint, the Board next considered the question of the penalty to be imposed. Notwithstanding the evidence presented in mitigation of penalty within respondent's letter to the Board, the Board finds the misconduct engaged in by respondent to be so egregious and, indeed, so inimical to the practice of medicine, that the Board has concluded that respondent's license to practice medicine and surgery in the State of New Jersey must be revoked.

WHEREFORE, it is on this 23 day of October, 1989, ORDERED:

The license of Dr. Mario DiBlasio to practice medicine and surgery in the State of New Jersey is hereby revoked. This order shall be effective immediately upon service.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: Michael B. Grossman D.O.
Michael B. Grossman, D.O.
Board President