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FILED

December 1, 1999

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
ROBERT J. COMIZIO, M.D.	:	<u>ADMINISTRATIVE ACTION</u>
	:	
TO PRACTICE MEDICINE AND SURGERY	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the State Board of Medical Examiners ("Board") upon receipt of information regarding Respondent's treatment of his patient, M.S. Robert J. Comizio, M.D. ("Respondent"), accompanied by his attorney James A. Vasios, Esq. appeared and testified before a Committee of the Board on July 22, 1998.

The patient records maintained by Respondent for his patient M.S. reveal that he saw her for three yearly checkups in 1994, 1995 and 1996. During the second annual checkup on or about April 14, 1995, Respondent found a right breast abnormality. He did not recommend M.S. for a biopsy of the area nor did he recommend her to a surgeon. During the third annual visit, on or

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about April 8, 1996, Respondent found the mass significantly different and sent her for follow-up consultation. Approximately eight months later, M.S. underwent a right total mastectomy and axillary dissection, followed by high dose peripheral stem cell therapy and then by radiation therapy.

The Board finds that Respondent having identified an abnormality on M.S.'s breast in 1995, failed to take appropriate measures, resulting in delay in patient's diagnosis and treatment, contrary to good and accepted medical care.

The Board also finds that in response to two separate requests by M.S. for her patient records, Respondent provided two different sets of documents. Subsequently, in deposition testimony and in testimony before Board Committee, Respondent admitted that he had incorporated office notes into the second set of records, in effect creating a new document. However, the Board finds that this second set of records was in fact, accurate. Respondent incorporated information in a patient record in a manner which failed to conform to N.J.A.C. 13:35-6 thus constituting a violation of N.J.S.A. 45:1-21(h).

WHEREFORE, Respondent being desirous of resolving this matter, and the Board having determined that the within disposition is adequately protective of the public health, safety and welfare.

IT IS, on this 1st day of December 1999,

ORDERED:

1. Respondent Robert J. Comizio is hereby reprimanded for the above stated acts and omissions.

2. Respondent shall enroll in and successfully complete a Board-approved ethics course within one year of the entry date of this Order. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservations.

3. Respondent shall successfully complete a Board-approved record keeping course within one year of the entry date of this Order.

4. Respondent shall be required to serve 40 hours of community service in a Board-approved non-medical capacity to be accomplished within one year of the entry of this Order. The Board's determination of appropriate community service will take into consideration Respondent's ongoing cardiac condition.

5. Respondent shall pay a penalty of \$2500 to the Board upon entry of this Order.

6. Respondent shall pay the costs of the investigation to the Board upon submission of the Attorney General's proof of costs upon entry of this Order.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Gregory J. Rokosz, D.O.
Gregory J. Rokosz, D.O.
Board President

I acknowledge that I have read the within Consent Order, and hereby agree to be bound by its terms. I consent to the entry of the within Order by the State Board of Medical Examiners

Robert J. Comizio, M.D.
Robert J. Comizio, M.D.

Dated: 9/14/99

James Vasios
Represented by James Vasios, Esq.

Dated: 9/20/99