

FILED

May 22, 2008

**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

In the Matter of:

RODOLFO R. PEROCHO, M.D.

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners upon the Board's receipt of a report from the Medical Practitioner Review Panel detailing the results of an investigation conducted by the Panel focused upon respondent Rodolfo R. Perocho, M.D. The Panel commenced its investigation upon the receipt of information that a payment of \$500,000 was made on respondent's behalf to settle a civil medical malpractice action brought by the estate of patient J.M., wherein it was alleged that respondent, an emergency room physician, failed to diagnose an abdominal aortic aneurysm which ruptured, resulting in the patient's death. The Panel reviewed available information regarding the care provided by respondent to J.M., to include hospital records, and considered testimony offered by respondent when he appeared before the Panel on December 21, 2007, represented by Gregory J. Giordano, Esq.

At the conclusion of its investigation, the Panel found that respondent provided grossly negligent care in this case. Specifically, the Panel found that respondent failed to recognize the significance of signs and symptoms which changed during the patient's eight hour stay in the emergency room, and which clearly indicated that the patient was in grave danger. The Panel further found that respondent failed to appreciate the significance of a drop in the patient's blood pressure, failed to then rule

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out an abdominal aortic aneurysm, and failed to order additional indicated testing as the patient's condition continued to deteriorate.

The Board herein adopts the findings set forth above and concludes, based thereon, that cause for disciplinary action against respondent exists pursuant to N.J.S.A. 45:1-21(c). The parties desiring to resolve this matter without need for formal disciplinary proceedings, and the Board being satisfied that the need for such proceedings is obviated by the entry of the within Order, and being further satisfied that good cause exists to support entry of the within Order,

IT IS on this 21 day of May, 2008,

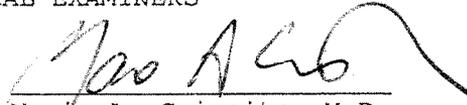
ORDERED AND AGREED:

1. Respondent Rodolfo Perocho, M.D. is hereby reprimanded for having engaged in gross negligence in the care he provided to patient J.M., as detailed above.

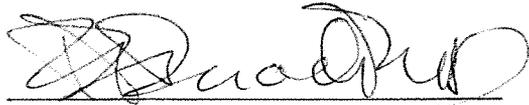
2. Respondent is assessed a civil penalty in the amount of \$5,000, which penalty shall be payable in full upon entry of this Order.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:


Mario A. Criscito, M.D.
Board President

I consent to the entry of this Order by
the State Board of Medical Examiners.


Rodolfo R. Perocho, M.D.

NJ License # 25MA04577000

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number¹: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.