

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
Newark, N.J. 07101

By: Carla M. Silva
Deputy Attorney General
Tel. (973) 648-4741

FILED

September 3, 2008

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

James J. Mauti, M.D.
License No. 25MA0761280

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of information that on November 02, 2007 James J. Mauti, M.D. was indicted in the Superior Court of New Jersey, Law Division - Criminal, Union County, for the sexual assault of J.L., an employee and patient, at his home office ("the Indictment"). The Indictment consists of the four counts alleging violations of N.J.S.A. 2C:14-2(a)(7); N.J.S.A. 2C:14-2(c)(1); N.J.S.A. 2C:14-3(a); and N.J.S.A. 2C:14-3(b).

Dr. Mauti has entered a general denial of the charges. Dr. Mauti hereby consents and agrees to each and every term of this Consent Order. The Board finding the within disposition to be adequately protective of the public health, safety and welfare and for other good cause shown,

CERTIFIED TRUE COPY

IT IS ON THIS 28th DAY OF August, 2008,

ORDERED THAT:

1. Dr. James J. Mauti shall within five days of filing this Order inform the Executive Director of the Board of Medical Examiners, in writing, of Dr. Mauti's office hours. Dr. Mauti shall within five days inform the Executive Director, in writing, of any changes in such office hours. Dr. Mauti shall not have any patient encounter whatsoever in his office at any time other than the office hours as provided to the Executive Director.
2. A chaperone (the "Chaperone") shall be present at Dr. Mauti's practice whenever Dr. Mauti is in the office with patients or employees. The Chaperone shall be present whenever Dr. Mauti encounters a female patient for any reason whatsoever. The Chaperone shall be present whenever Dr. Mauti encounters male patients for genitalia examinations. The Chaperone must remain present throughout the encounters and must remain in a position so as to have a clear line of sight to the patients.
3. The Chaperone must be a licensed health care professional who holds a valid license issued pursuant to a Chapter of Title 45 of the New Jersey Statutes.
4. The Chaperone shall not be related to Dr. Mauti by blood or marriage.
5. Dr. Mauti shall within ten days of signing this Order furnish to the Board the full name, home address, telephone number, type of license, and license number of the Chaperone. Dr. Mauti shall within five days inform the Board of any changes in any of the information he provides to the Board with regard to the Chaperone.
6. The Chaperone must be approved, in advance, by the Board. The Board has delegated the authority to approve the Chaperone to the Executive Director of the Board, and the Executive Director's approval of the Chaperone shall be sufficient for purposes of this Order. Any proposed

Chaperone must acknowledge in a signed letter to the Board that he or she has reviewed and understands the terms of this Consent Order.

7. The approved Chaperone shall promptly report to the Board any occurrence or behavior observed which the chaperone in good faith believes to have been inappropriate or potentially in violation of this order.

8. Dr. Mauti shall be entirely responsible for any and all costs or expenses associated with the use of the Chaperone as required by the terms of this Order. The Board shall have no responsibility whatsoever for any expenses or costs arising from the use of the Chaperone. Dr. Mauti, moreover, shall not charge any patient, third-party payor or government benefits program for the use of the Chaperone.

9. The Board may from time to time in its sole discretion consult with the Chaperone for purposes of determining Dr. Mauti's compliance with the terms of this Order. The Board may delegate to the Attorney General or to the Executive Director the authority to so consult with the Chaperone. Dr. Mauti hereby waives any claim of privilege or confidentiality he may have with regard to any information that the Chaperone may provide, under the provisions of this Order, to the Board, the Attorney General or the Executive Director. Dr. Mauti shall take all reasonably necessary actions to assure the cooperation of the Chaperone with the Board, the Attorney General and the Executive Director.

10. The Board expressly reserves the right and prerogative to file an Administrative Action upon notice to Dr. Mauti and seek to vacate this Order, in the event that:

- a. Dr. Mauti commits a material violation of any term of this Order; or
- b. Dr. Mauti pleads guilty to any offense; or
- c. Dr. Mauti is convicted of any charge in the Indictment; or

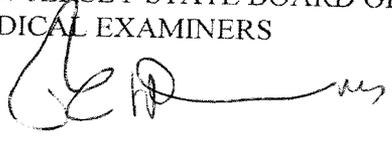
- e. Dr. Mauti enters into a Pretrial Intervention Program pursuant to N.J.S.A. 2C:43-12, et seq. as the result of the Indictment; or
- f. Dr. Mauti has engaged, or, after the entry of this Order, engages in conduct that violates any regulation or statute governing the practice of medicine and surgery in the State of New Jersey, other than the conduct alleged in the Indictment.

11. Nothing in this Order shall limit in any way the right and prerogative of the Board or the Attorney General to conduct or to continue any investigation of Dr. Mauti, including any investigation relating to the allegations contained in the Indictment.

12. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Dr. Mauti's conduct.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____

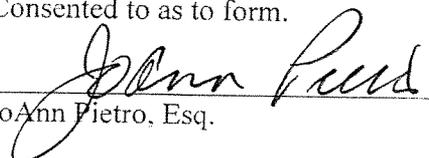

Mario Criscito, M.D.
Board President

PRO - C MENDELSON, MD

I have read and understood the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


James J. Mauti, M.D.

Consented to as to form.


JoAnn Pietro, Esq.