

FILED

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**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF :
: Administrative Action
CHARLES J. DEMARCO, M.D. :
License No. MA78035 :
: CONSENT ORDER
: TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :
:

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about September 23, 2008, the New York State Board for Professional Medical Conduct ("New York Board") entered into a "Consent Agreement and Order" with the Respondent, Charles J. DeMarco, M.D., which provided that his license to practice was to be limited to

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preclude the performance and interpretation of breast imaging studies including, but not limited to: mammography, ultra sound, magnetic resonance images and digital mammography. Additionally, Respondent was placed on probation for a period of three (3) years subject to certain terms.

More specifically, the Respondent pled guilty to the First Specification in the Statement of Changes which set forth that Respondent committed professional misconduct by practicing the profession of medicine with negligence on more than one occasion in connection with his care and treatment of Patients A and B.

As a result of the foregoing, the Board has determined that Respondent's acts giving rise to the New York Consent Agreement and Order provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) and (e).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 16th day of March, 2009, **ORDERED AND AGREED THAT:**

1. Respondent's license to practice medicine and surgery in the State of New Jersey shall be, and hereby is, reprimanded for his actions as indicated above;

2. Respondent's license to practice medicine and surgery in the State of New Jersey shall be, and hereby is, placed on probation for a period of three (3) years commencing retroactively and to run concurrently with the probationary period set forth in the New York Consent Agreement and Order, but which probationary period shall not terminate until Respondent demonstrates to the satisfaction of the Board that he holds an active, unrestricted license to practice medicine in New York;

3. Respondent's license to practice and medicine and surgery in the State of New Jersey shall be, and hereby is, limited to preclude the performance and interpretation of breast imaging

studies including, but not limited to: mammography, ultra sound, magnetic resonance images and digital mammography. Said limitation shall remain in effect until such time as Respondent can demonstrate to the satisfaction of the Board that he holds an active, unrestricted license to practice medicine in New York; and

4. Respondent agrees that if the Board, upon receipt of reliable information and in its sole discretion, determines during the probationary period that the Respondent has failed to comply with any provision of this Consent Order and/or the New York Consent Agreement and Order, or is in violation of any of the statutes and/or regulations governing the practice of medicine and surgery in the State of New Jersey, then Respondent's New Jersey license to practice medicine and surgery shall be automatically and

immediately suspended. Within ten (10) days of notification of the suspension, Respondent may seek in writing a hearing before a Committee of the Board limited to the sole issue of the basis for the automatic suspension.

STATE BOARD OF MEDICAL EXAMINERS

By:



Paul C. Mendelowitz, M.D.
Board President

I have read and I understand this Consent Order and agree to be bound by its terms. I further hereby consent to the entry of this Consent Order.



CHARLES J. DEMARCO, M.D.