

FILED

SEP 28 2010

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

ANTHONY J. CERONE, D.O.

CONSENT ORDER AUTHORIZING  
RESUMPTION OF PRACTICE  
WITH CONDITIONS

This matter was reopened before the New Jersey State Board of Medical Examiners upon receipt of a petition from respondent Anthony J. Cerone, D.O., for authorization to resume the practice of medicine in the State of New Jersey, during a period of stayed suspension. The background of this matter is set forth within a prior Consent Order filed on July 1, 2009. Briefly stated, respondent's license to practice medicine and surgery in the State of New Jersey was suspended on July 1, 2009, for a period of two years, based on respondent's having performed an external genital and internal vaginal examination for urinary incontinence upon a psychiatric patient, J.P., without wearing gloves, without having a chaperone present and without documenting the examination within J.P.'s chart (Respondent was additionally assessed a civil penalty in the amount of \$20,000). The Consent Order further provided that respondent could seek authorization to resume the practice of medicine after serving a minimum period of six months of active suspension, provided that respondent first submitted to the Board,

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for the Board's confidential review, a report of a psychosexual evaluation to be conducted by an individual or entity acceptable to the Board. The Board reserved the right to enter a Supplemental Order imposing any conditions or limitations on respondent's practice that the Board deemed appropriate.

Respondent appeared before a Committee of the Board on May 5, 2010, represented by Carl Poplar, Esq., and then testified in support of his request for authorization to presently resume the practice of medicine. As required by our prior Consent Order, respondent submitted a confidential report from Philip H. Witt, Ph.D., detailing the results of a psychosexual evaluation Dr. Witt performed upon respondent on May 4, 2009. Significantly, Dr. Witt concluded that Dr. Cerone's actions with JP were "a hasty and poorly considered examination motivated by fatigue, distraction, and a misguided (at the time) (sic) to be helpful to the patient, rather than an incident of sexual exploitation of a patient." Dr. Witt further opined "given [Dr. Cerone's] lack of history of problems in this area and given the remorse he has experienced, he presents an extremely low risk for a recurrence."

Dr. Cerone additionally testified that he is presently securing treatment, for depression and anxiety, from a psychiatrist, Dr. Prabhaker S. Patel, M.D. and from a therapist, Anne Carter, Ph.D. Confidential reports from both Dr. Patel and Dr. Carter were provided to the Board for review - significantly, both have

concluded that there are no medical reasons why Dr. Cerone may not presently resume the practice of medicine.

The Board, upon consideration of the testimony offered by respondent and upon review of the confidential reports provided by Drs. Witt, Patel and Carter, concludes that Dr. Cerone may presently resume the practice of medicine, subject to the imposition of conditions: (1) that respondent must be accompanied by a female chaperone, approved by the Board, whenever he sees, treats or examines any female patient, and (2) that respondent continue to secure treatment from, and comply with treatment recommendations made by, a Board approved psychiatrist and therapist. The Board being satisfied that good cause exists for the entry of the within Order, and respondent herein explicitly agreeing to the terms and conditions of this Order,

IT IS on this            day of            , 2010

ORDERED and AGREED:

1. Respondent Anthony J. Cerone, D.O., is hereby granted leave to resume the practice of medicine in the State of New Jersey, during a period of probation which shall commence upon the entry of this Order and continue through June 30, 2011.

2. Respondent shall be required to have a Board approved female chaperone present at all times that he sees, examines or treats any female patient. Dr. Cerone shall be required to nominate and secure Board approval for any proposed chaperone, by having said

individual submit a certified statement to the Board attesting to her awareness of the terms of this Order and her agreement to comply with all requirements herein. The chaperone shall be required to indicate her presence by initialing the patient records of all female patients seen, examined and/or treated by Dr. Cerone. The chaperone shall provide semi-annual written reports to the Board documenting that Dr. Cerone has complied with the requirements imposed herein, and shall be required to agree to provide an immediate written report to the Board in the event that she receives any information that Dr. Cerone were to see, examine or treat any female patient without her being present, or in the event that any other inappropriate behavior on Dr. Cerone's part is witnessed or otherwise reported to the chaperone. The cost of the chaperone is to be borne exclusively by Dr. Cerone. The condition imposed herein shall continue beyond the period of probation (that is, beyond June 30, 2011), and shall remain in place unless modified or discontinued hereafter in any supplemental Order that may be entered by the Board.

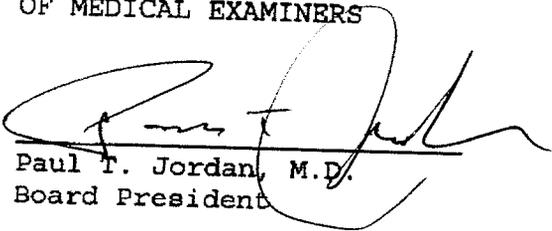
3. Respondent shall continue to receive treatment from a Board approved psychiatrist and Board approved therapist. Dr. Cerone shall be required to nominate and secure Board approval for any proposed psychiatrist and/or therapist, by having said individuals submit a certified statement to the Board attesting to their awareness of the terms of this Order and their agreement to

comply with the reporting requirements herein. The approved psychiatrist and the approved therapist shall independently provide semi-annual written reports to the Board documenting that Dr. Cerone has continued to participate in treatment and to comply with any treatment recommendations made, and shall provide an immediate written report to the Board in the event that Dr. Cerone unilaterally discontinues treatment, fails to comply with treatment recommendations, or in the event that any information is obtained that Dr. Cerone has engaged in inappropriate conduct in his medical practice. Treatment shall not be discontinued unless and until a recommendation is made by the care provider that treatment is no longer necessary, at which time written notice of such recommendation shall be made to the Board. Treatment may thereafter be discontinued provided that written approval of the recommendation is secured from the Board. Dr. Prabhaker S. Patel, M.D. is herein approved as Dr. Cerone's psychiatrist, and Anne Carter, Ph.D., is herein approved as Dr. Cerone's therapist. The condition imposed herein shall continue beyond the period of probation (that is, beyond June 30, 2011), and shall remain in place unless modified or discontinued hereafter in any supplemental Order that may be entered by the Board, and/or unless respondent secures written approval for discontinuation of treatment from the Board as outlined above.

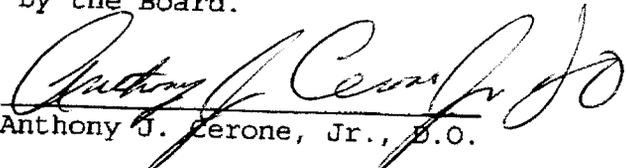
4. Any failure by Dr. Cerone to comply with any of the conditions imposed herein, and/or any receipt by the Board of an

"immediate" report from Dr. Cerone's approved chaperone, psychiatrist and/or therapist (for any of the reasons set forth above), shall constitute grounds upon which the Board may summarily enter an Order suspending the authorization herein granted to Dr. Cerone to resume the practice of medicine.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By:   
Paul T. Jordan, M.D.  
Board President

I acknowledge that I have reviewed this Order, and agree to abide with all terms and conditions set forth herein. I am aware that the Board may summarily rescind the authorization herein granted to me to resume the practice of medicine should I fail to comply with all terms and conditions set forth above, and/or in the event that the Board receives any "immediate" report from my approved chaperone, psychiatrist or therapist, as detailed above. I agree to the entry of this Order by the Board.

  
Anthony J. Cerone, Jr., D.O.

Consent given to the form and entry of this Order

  
Carl D. Poplar, Esq.