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FILED

August 12, 2011

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Tobey Palan
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE LICENSE OF :

PEDRO N. CAPOTE, M.D. :
License No. 25MA03611000 :

TO PRACTICE MEDICINE IN THE :
STATE OF NEW JERSEY :

Administrative Action

**CONSENT ORDER OF
REINSTATEMENT OF LICENSURE**

This matter was most recently opened to the New Jersey State Board of Medical Examiners (Board) upon receiving a request from Pedro N. Capote, M.D. (Respondent) for reinstatement of his New Jersey medical license. The Board suspended Respondent's license to practice medicine in the State of New Jersey for three years by a Final Order of Discipline filed on May 21, 2003. The grounds for the Final Order of Discipline included a Department of Health and Human Services exclusion of Respondent from participating in the Medicare, Medicaid and all other Federal health care programs for a minimum mandatory period of five years after his guilty plea in the Circuit Court of the Seventeenth Judicial Circuit in Broward County, Florida, for a criminal offense related to the

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delivery of an item or service under the Medicaid Program. Specifically, on February 14, 2000, Respondent pled "no contest" to one count of Organized Scheme to defraud/\$50,000 or more.

The Final Order of Discipline filed on May 21, 2003, requires that prior to reinstatement of Respondent's license, he is required to appear before a Committee of the Board to demonstrate his fitness and competence to practice medicine and surgery in New Jersey and prove to the Board's satisfaction that he has fully complied with the mandates of his guilty plea. Respondent and his counsel, Lisa Capote, Esq., appeared before a Committee of the Board on March 16, 2011. Respondent provided the following documents to the Committee of the Board in support of his request for reinstatement: 1) a reinstatement letter of eligibility, for Respondent's participation as a Medicare Provider, from the Department of Health and Human Services; 2) a letter from the American Board of Internal Medicine advising that he passed the re-certification exam along with completion of the Maintenance of Certification Program; 3) a letter from the Florida Dept. Of Corrections confirming he completed his term of probation; 4) a letter from the United States Office of Personnel Management advising debarment termination; 5) proof of his Continuing Medical Education credits; and 6) proof of completion of the Cultural Competency course. In addition, Respondent testified concerning his regret for his previous conviction and showed remorse for his criminal conduct, although he stated he was not aware that any fraud was being committed when he was working at the clinic where the fraud took place.

The Board having reviewed all relevant information, including Respondent's testimony and the documents referenced above, finds that Respondent has satisfied all provisions of the Final Order of Discipline and has satisfied all requirements in his federal plea agreement, has been re-certified in internal medicine, and is fit and competent to practice medicine in New Jersey.

IT IS THEREFORE on this 12th day of August, 2011

ORDERED:

1. Pedro N. Capote, M.D. is hereby granted a license to practice medicine in New Jersey on the following terms and conditions:

A) Respondent shall work under the supervision of a physician pre-approved by the Board for the first twelve months of full time employment as a physician (a minimum of 40 hours per week). The supervisor is required to review a minimum of twenty patient files per month in which the Respondent is involved, in order to determine and advise Respondent of any deficiencies in his care of patients, record keeping or any deviations from standards of care. The supervisor shall also submit quarterly reports to the Executive Director of the Board, William Roeder, 140 East Front St., P.O. Box 183, Trenton, NJ, 08608, detailing Respondent's fitness and competency to practice medicine; and immediately within 48 hours of awareness inform the Board orally and in writing of any deviations from standards of care.

B) If at any time Respondent desires to work in any specialty in the field of nephrology, Respondent shall first notify the Board in writing of his interest in that field and then after written permission from the Board, Respondent shall work under the supervision of a pre-approved Board physician for Respondent's first twelve months of full time employment. The supervisor shall "sign off" and review every patient file Respondent handles for the first twelve months of his employment. The supervisor shall also submit quarterly reports to the Executive Director of the Board, William Roeder, 140 East Front St., P.O. Box 183, Trenton, NJ, 08608, detailing Respondent's fitness and competency to practice medicine.

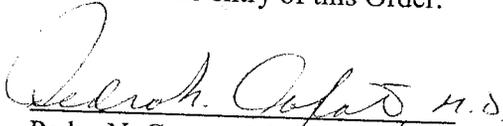
C) Respondent expressly waives any claim to privilege or confidentiality that he may have concerning reports and disclosures to the Board, and use by the Board of that information in any license proceedings.

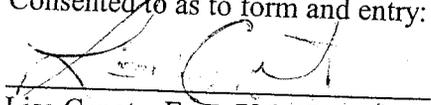
2. Respondent agrees that any violation of this Consent Order, or reports of deviation from standards of care, may serve as the basis for disciplinary action pursuant to N.J.S.A. 45:1-21, including revocation or suspension of his New Jersey license. Any deviation from the terms of this Consent Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, or deviations from standards of care, Respondent's license may be automatically suspended by the Board. Respondent, upon five (5) days notice, may request a hearing to contest the entry of such an Order. At any such hearing the sole issue shall be whether any of the information received regarding respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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

I have read and understood the above Order and agree to be bound by its terms. I hereby consent to the entry of this Order:


Pedro N. Capote, M.D.

Consented to as to form and entry:

Lisa Capote, Esq., 786-871-5683