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FILED

April 26, 2012

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Susan Berger
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF LICENSE OF

ULISES C. SABATO, M.D. : CONSENT ORDER GRANTING
License No.: 25MA04273800 RESTRICTED LICENSE

TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY

On November 14, 2006 the Attorney General filed a Second Amended Complaint before the New Jersey State Board of Medical Examiners ("Board") alleging negligent care of respondent's patients, negligent or incompetent electrodiagnostic test selection and deception in the performance and billing of epidurograms. After respondent filed an Answer denying the allegations, the matter was resolved upon the filing of a Final Order on January 3, 2007 suspending Ulises C. Sabato, M.D.'s license to practice medicine and surgery for five (5) years. The first year of the suspension was required to be a period of active suspension followed by a period of probation.

On August 26, 2009, respondent appeared before a Committee of the Board with counsel, Keith J. Roberts, Esq., to demonstrate that he had complied with most requirements of the Final Order. Respondent advised the Committee that he was unable to engage in the clinical evaluations set forth in paragraph 10(c), (d) and (e) of the Order because he did not have an active license. Respondent testified that he completed and received an unconditional passing grade in a Board approved medical record keeping, billing and coding class and an ethics class; had completed all required continuing education, including pre-anesthesia approved by the Board; and had paid civil penalties in the amount of \$150,000.00. Respondent testified that he had not practiced medicine since 2007 and that he no longer owns an interest in any surgical center in New Jersey. Respondent agreed that upon granting of licensure he would complete the evaluations required in paragraph 10(c), (d) and (e) of the Final Order, filed on January 3, 2007. Respondent asserted that as a result of the suspension and successful completion of the PRIM-E ethics course, he has rethought the way he practiced medicine and recognizes the importance of good record keeping and proper coding. He also recognizes the importance of completing more continuing education in related fields, such as anesthesia and internal medicine.

During October 2009, the Board offered respondent the opportunity to reinstate his license with restrictions but respondent did not complete the process of reinstatement. During January 2012, respondent through new counsel, Joseph Gorrell, Esq., requested the opportunity to renew his application for reinstatement. Respondent advised the Board that if he is permitted to reinstate his license with restrictions, he will

promptly complete the clinical evaluation required in paragraphs 10(c), (d) and (e) of the Final Order.

The Board is satisfied that Respondent has complied with as much of the Final Order as possible without an active license.

Respondent agreeing to the terms of this Order and the Board finding that respondent is in good faith attempting to complete the requirements of the January 3, 2007 Final Order and cannot do so without the entry of this Order, and that the within disposition is adequately protective of the public health, safety, and welfare;

IT IS, THEREFORE, ON THIS 26th DAY OF April, 2012

ORDERED AND AGREED THAT:

1. Respondent, Ulises C. Sabato, M.D. shall be granted a restricted license solely to permit him to engage in the clinical evaluation programs described in paragraph 10(c), (d) and (e) of the Final Order, filed on January 3, 2007, upon fulfillment of all application requirements, including the payment of all fees.

2. Respondent shall ensure that each evaluator has reviewed the Final Order and the within Consent Order, shall provide appropriate releases to any and all persons who are participating in the evaluation program and shall authorize such evaluators to make immediate reports directly to the Board. Respondent waives any claim of privilege or confidentiality that he may have concerning reports from the evaluation program. Respondent shall ensure that the Board receives all of the evaluation reports.

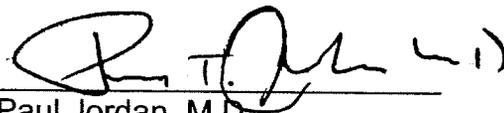
3. Upon completion and submission of all of the evaluation reports respondent shall appear before a Committee of the Board, if so requested by the Board, to demonstrate compliance with the Final Order and the within Consent Order. The

burden shall be on respondent to demonstrate that he is fit and competent to begin the period of practice on probation, subject to such limitations as to type and location of practice, review, preceptorship/monitoring requirements as it may reasonably determine based upon recommendations of the evaluation programs for further remedial education, if any.

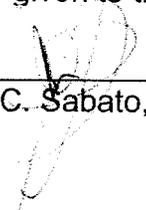
4. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of medicine and surgery in this State or any other jurisdiction.

5. During the period of restricted license and probation, respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that respondent has failed to comply with the within Consent Order without the prior written consent of the Board. Respondent may petition the Board on five (5) days notice for a hearing limited to the sole issue of whether he deviated from the terms of the Consent Order.

STATE BOARD OF MEDICAL EXAMINERS

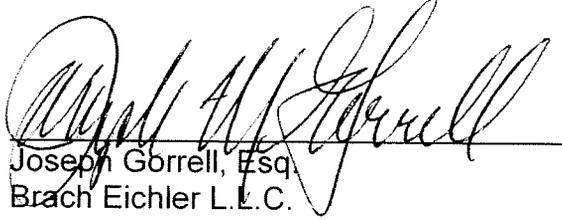
By: 
Paul Jordan, M.D.
Board President

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



Ulises C. Sabato, M.D.

Consented to as to form and content.

A handwritten signature in black ink, appearing to read "Joseph Gorrell". The signature is written in a cursive style and is positioned above a horizontal line.

Joseph Gorrell, Esq.

Brach Eichler L.L.C.

Attorney for Ulises C. Sabato, M.D.