

FILED

December 10, 2012

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE LICENSE OF

L. MARIO DiBLASIO, M.D.
License No. MA34552

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

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: Administrative Action
:
: FINAL ORDER
: OF DISCIPLINE
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This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, L. Mario DiBlasio, M.D., License No. MA34552, is a physician licensed in the State of New Jersey and has been licensed at all times relevant hereto.

2. On or about November 2, 2007, the Administrative Review Board for Professional-Medical Conduct in the State of New York a Determination and Order overturning the Board of Professional Medical Conduct Committee (BPMC) recommendation as to penalty and revoked the license of Respondent to practice medicine in New York. The Administrative Review Board's Order increased the penalty provided by the June 25, 2007 Decision and Order by the Hearing Committee of the New York State Board for Professional

Medical Conduct (hereafter "Hearing Committee"). The Hearing Committee found that Respondent failed to identify the signs of malignancy in the mammograms and sonograms of several patients, failed to identify an obvious fracture in a patient's hip x-ray, and missed the left/right determination in a patient's chest x-ray. The Hearing Committee determined that Respondent's actions subjected his patients to increased risk of morbidity and mortality. Additionally, on various employment applications, Respondent failed to disclose his past convictions, incarceration, probation, or license revocation. The Hearing Committee concluded that Respondent had committed the following violations: gross negligence, gross incompetence, negligence on more than one occasion, incompetence on more than one occasion, and making or filing a false report. The Hearing Committee's Determination and Order provided that Respondent's medical licence be suspended for 3 years with the suspension stayed and 3 years probation. Respondent's practice of medicine was limited to the general practice of radiology, and Respondent was required to have a supervisor in the interpretation of mammography and breast sonography. In response to requests for review by both parties, the Administrative Review Board sustained the Hearing Committee's determinations of negligence, incompetence, and false reporting but overturned the Hearing Committee's penalty determination and revoked Respondent's license.

Respondent has had prior disciplinary action against his license in New York. On March 26, 1986, Respondent's license was revoked but stayed indefinitely, with 5 years probation. The New York Board of Regents found Respondent had engaged in professional misconduct, by issuing prescriptions not in good faith and/or not in the course of his professional practice, falsely writing that the drugs were for patients, failing to maintain a comprehensive written patient record on some prescriptions, failing to indicate the date some prescriptions were signed, and prescribing narcotics to a person who was an addict without reporting that fact. On November 6, 1986, Respondent was convicted of criminal possession of a controlled substance in New York. As a result, on November 10, 1987 Respondent's license was revoked. Respondent served a sentence in New York state prison from 1986-1991. In 1991 Respondent's conviction was overturned and at his subsequent retrial, he was convicted of criminal possession of a controlled substance. On March 20, 1995, as a result of Respondent's petition for restoration, the New York Board of Regents stayed the 1987 license revocation, and Respondent received 2 years probation.

Respondent has also had prior disciplinary action against his license in New Jersey. Respondent was convicted of possession of a controlled dangerous substance with intent to distribute in New Jersey on March 8, 1989. As a result, his license in New Jersey was revoked in October 1989 for professional misconduct. Respondent's

New Jersey license was reinstated with monitoring in 1996, the restrictions were lifted in 1999, and the status changed from inactive to active in 2001. His current New Jersey medical licence status is retired.

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

CONCLUSION OF LAW

1. The above disciplinary action taken by the sister state of New York provides ground to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(g), in that Respondent revocation of license in the State of New York is a revocation.

2. The above disciplinary action taken by the sister state of New York provides ground to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(d), in that Respondent has engaged in repeated acts of negligence, malpractice or incompetence.

3. The above disciplinary action taken by the sister state of Iowa provides ground to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey

pursuant to N.J.S.A. 45:1-21(e), in that Respondent has engaged in professional misconduct.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending the Respondent's license to practice medicine and surgery at all times in the State of New Jersey was entered on May 30, 2012 and a copy was forwarded to the Respondent's last known address on file with the Board by means of regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the state Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

The record reflects that the Provisional Order was served upon respondent at the last known address of record by regular and certified mail to 385 McLean Avenue, Apartment 12-G, Yonkers, New York, 10705. The Certified mail was returned as "unclaimed." However, the regular mail was not returned by the Post Office. No response has been received to date from the Respondent. The Board

considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

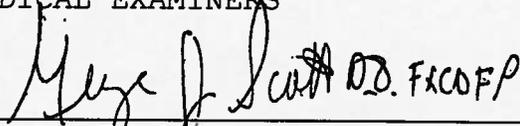
ACCORDINGLY, IT IS on this 10th day of Dec, 2012,
ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is suspended until such time as Respondent's license to practice medicine in the State of New York is fully reinstated without any restrictions.

2. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board or a committee thereof, to demonstrate fitness to resume the practice of medicine, to show that Respondent has satisfied all requirements of any Iowa disposition and is reinstated to the practice of medicine in that State without any restrictions. Any practice in this State prior to reinstatement shall constitute grounds for the charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should Respondent's license be reinstated.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

BY


George J. Scott, D.P.M., D.O.
Board President