

FILED

February 18, 2015
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

BY: Diane H. Kim
Deputy Attorney General
(973) 648-3286

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

_____	:	
IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
GERALD P. RIZZO	:	
BIO-ANALYTICAL LABORATORY DIRECTOR	:	
License No. 25MF00020000	:	CONSENT ORDER
_____	:	

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information on or about December 13, 2012, alleging Gerald P. Rizzo ("Respondent") engaged in professional misconduct and falsification of records. The Board requested an inspection to be conducted at Hudson Medical Laboratories ("Hudson Labs"). Respondent was the sole owner and the Lab Director of Hudson Labs, which is now closed.

The Board conducted an inspection of Hudson Labs on December 18, 2012. During the inspection, Hudson Labs was found to be dirty and cluttered; lab equipment had not been properly

serviced; maintenance service logs for the equipment could not be provided at the time of the inspection; medical waste was not discarded properly; patient records were found in a black trash bag in the lab; there was no cleaning service contract or name of a cleaning person provided during the inspection; lab values for potassium level and other values had been edited or deleted by Respondent; and he did not provide employee competencies or evaluations during the inspection.

On August 28, 2013, Respondent appeared before a Preliminary Evaluation Committee ("PEC") of the Board to discuss the deficiencies found during the December 2012 inspection of Hudson Labs, and the allegations of falsification of records. With regard to the results generated by the ACE chemistry analyzer, Respondent denied that he altered any results. When shown examples of result print-outs identified as "edited," he explained that they were the result of repeated tests he performed conducted when the results appeared abnormal to him. When the repeated tests did not have the same or similar results to the original, he performed a third test to "break the tie." He then sent only a final result based upon the two closest values to the ordering physician. Thus, Respondent deprived the treating medical provider from obtaining a complete picture of the testing performed.

Respondent admitted performing semen analysis, but stated that he did so without knowing he was not authorized to do so. He stopped this analysis once he learned he was not allowed to do this type of testing.

Respondent admitted that there were patient records found in the trash during the inspection, but denied throwing out patient records. He claimed that someone must have purposely put them in the bag as he ensured all records were shredded. During the investigation, Respondent stated that the records found were preliminary lab result printouts, not formal lab results, so he maintained it did not matter.

The Board and Respondent have agreed to the entry of this Consent Order to resolve this matter. The Board has considered the matter, and finds that the entry of this Order will adequately protect the public interest, and for good cause shown;

IT IS on this 29th day of JAN, 2015, HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby granted leave and shall immediately surrender his license to practice as a bio-analytical laboratory director in the State of New Jersey, said surrender to be deemed a permanent retirement of his license. Such surrender shall be with prejudice and Respondent shall not apply for reinstatement

of his license at any time in the future.

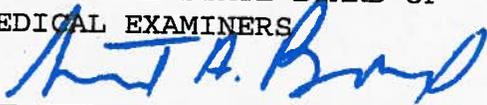
2. Respondent shall comply with the "Directives" attached hereto as Exhibit A, which are incorporated herein by reference.

3. The parties hereby stipulate the entry of this Order is without prejudice to further action by this Board, the Acting Attorney General, the Director of the Division of Consumer Affairs or other law enforcement entities not specifically discussed herein.

4. Respondent has been specifically advised that he has a right to retain an attorney in this matter, as the entry of this Order affects his legal rights. Respondent has voluntarily chosen to enter into this Order without the advice of counsel.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:


Stewart A. Berkowitz, M.D.,
President

I have read and understood
the within Consent Order
and hereby agree to comply
with the terms.


Gerald P. Rizzo

Dated: 1/29/2015