



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

June 4, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Enrico Marino, M.D.
450 77th Street
Brooklyn, NY 11209

RE: License No. 083074

Dear Dr. Marino:

Enclosed please find Order #BPMC 97-125 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Joseph Giaramita, Esq.
1797 Stillwell Avenue
Brooklyn, NY 11223

Roy Nemerson, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER
OF
ENRICO MARINO, M.D.**


**CONSENT AND
SURRENDER
ORDER**
BPMC #97-125

Upon the proposed agreement of ENRICO MARINO, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that effective August 1, 1997, the name of Respondent be stricken from the roster of physicians in the State of New York; it is further ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: _____


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ENRICO MARINO, M.D.

CONSENT AND
SURRENDER
AGREEMENT
AND
ORDER

STATE OF NEW YORK)
COUNTY OF) ss.:

ENRICO MARINO, M.D., being duly sworn, deposes and says:

That on or about September 14, 1959, I was licensed to practice as a physician in the State of New York, having been issued License No. 083074 by the New York State Education Department.

My current address is 450 77th Street, Brooklyn, NY, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with 26 specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the first specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

I shall surrender my license as of June 30 1997. Beginning immediately upon the effective date of the Order for which I apply, my license shall be limited to preclude the issuance of prescriptions for and the dispensing of Controlled Substances subject to Article 33 of the Public Health Law, and I shall

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immediately surrender all Official New York State Prescriptions in my possession to the New York State Department of Health Bureau of Controlled Substances.

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.


I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

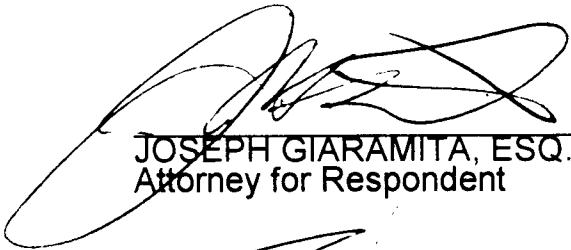
Enrico Marino
ENRICO MARINO, M.D.
RESPONDENT

Sworn to before me this
11 day of ~~1991~~ 1991

NOTARY PUBLIC

JOSEPH J. ...
NOTARY PUBLIC State of
New York No 2014817984
Qualified in Kings County


The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 5/7/97



JOSEPH GIARAMITA, ESQ.
Attorney for Respondent

DATE: 5/21/97



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

DATE: May 28, 1997



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER
OF
ENRICO MARINO, M.D.**

**STATEMENT
OF
CHARGES**

ENRICO MARINO, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 14, 1959, by the issuance of license number 083074 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On at least 25 occasions prior to July 1, 1996, at his medical office located at 450 77th Street, Brooklyn, NY, Respondent issued prescriptions for Seconal 100mg, 60 doses in the name of individuals who were not his patients, and whom he did not physically examine or medically evaluate. The purported patient names in which the prescriptions were issued, and the Official New York State Prescription Numbers are set forth in Appendix "A".

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1997) by practicing the profession of

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medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraph A.

SECOND THROUGH TWENTY-SIXTH SPECIFICATION
EXCESSIVE TESTS/TREATMENT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1997) by ordering of excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient, as alleged in the facts of:

- 2-26. Paragraph A, separately as to each prescription so issued.

DATED: April 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct