



***New York State Board for Professional Medical Conduct***

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner  
NYS Department of Health*

Dennis P. Whalen  
*Executive Deputy Commissioner  
NYS Department of Health*

Dennis J. Graziano, Director  
*Office of Professional Medical Conduct*

**PUBLIC**

Michael A. Gonzalez, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

August 26, 2004

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Erlinda Dela Cruz DelRosario, M.D.  
4 Stults Drive  
Plainsboro, NJ 08536

Re: License No. 200452

Dear Dr. DelRosario:

Enclosed please find Order #BPMC 04-196 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect September 2, 2004.

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 to the 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

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

---

**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**ERLINDA DELA CRUZ DEL ROSARIO, M.D.  
aka ERLINDA D. DEL ROSARIO, M.D.  
CO-04-02-2417-A**

BPMC No. 04-196

---

**ERLINDA DELA CRUZ DEL ROSARIO, M.D., aka ERLINDA D. DEL ROSARIO, M.D.,**  
says:

On or about August 11, 1995, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 200452 by the New York State Education Department. I currently reside at 4 Stults Drive, Plainsboro, NJ 08536

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).


I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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

proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 8-16-, 2004


  
ERLINDA DELA CRUZ DEL ROSARIO, M.D.  
aka ERLINDA D. DEL ROSARIO, M.D.  
Respondent

AGREED TO:

Date: 23 August, 2004

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 24 August, 2004

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

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

---

<b>IN THE MATTER</b>	<b>STATEMENT</b>
<b>OF</b>	<b>OF</b>
<b>ERLINDA DELA CRUZ DEL ROSARIO, M.D. aka ERLINDA D. DEL ROSARIO, M.D. CO-04-02-2417-A</b>	<b>CHARGES</b>

---

**ERLINDA DELA CRUZ DEL ROSARIO, M.D., aka ERLINDA D. DEL ROSARIO, M.D.,** the Respondent, was authorized to practice medicine in New York state on August 11, 1995, by the issuance of license number 200452 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A.        On or about January 21, 2004, the State of New Jersey, Division of Law & Public Safety, Division of Consumer Affairs, Board of Medical Examiners, (hereinafter "New Jersey Board"), by a Final Order (hereinafter "New Jersey Order"), accepted the voluntary surrender of Respondent's license to practice medicine, to be deemed a revocation, and assessed a \$30,000 civil penalty and \$27,810 costs, based on medically unnecessary diagnostic testing; grossly negligent/incompetent or fraudulent performance of testing, and of interpreting by failure to recognize and avoid electrical artifact; fraudulent test performance; grossly negligent or incompetent diagnostic test selection, documentation and analysis, and failure to prepare and maintain a proper patient record; deception in billing and failure to supervise billing; and employment by a general business or corporation, acceptance of referred patient for rent-free office space in exchange for recommendations for continue treatment by the referrer, and payment of "rent" at other offices in exchange for referrals.

B.        The conduct resulting in the New Jersey Medical Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);  
and/or
2. New York Education Law §6530(32) (failure to maintain adequate records).

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having voluntarily surrendered her license to practice medicine after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the voluntary surrender would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

DATED: *August 17*, 2004  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

**ORDER**

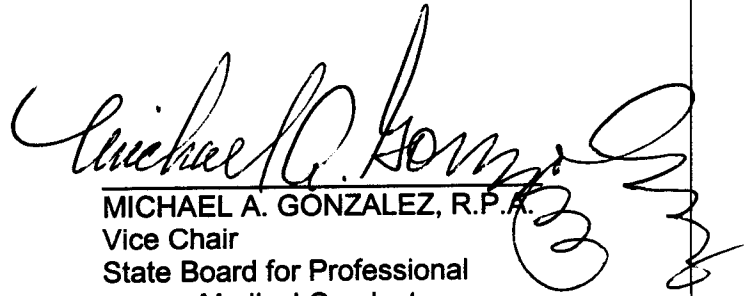
Upon the proposed agreement of **ERLINDA DELA CRUZ DEL ROSARIO, M.D., aka ERLINDA D. DEL ROSARIO, M.D.,** to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

**ORDERED**, that the proposed agreement and the provisions thereof are hereby adopted; it is further

**ORDERED**, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

**ORDERED**, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 8/26, 2004

  
MICHAEL A. GONZALEZ, R.P.A.  
Vice Chair  
State Board for Professional  
Medical Conduct