



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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January 21, 2000

Salvatore Mauro, Physician
69-26 Dartmouth Street
Forest Hills, New York 11375

Re: Application for Restoration

Dear Dr. Mauro:

Enclosed please find the Commissioner's Order regarding Case No. 99-182-60 which is in reference to Calendar No. 16841. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

By: 
Gustave Martine
Supervisor

cc: John Gemelli, Esq.
105-15 Metropolitan Avenue
Forest Hills, New York 11375



The University of the State of New York
Education Department



IN THE MATTER

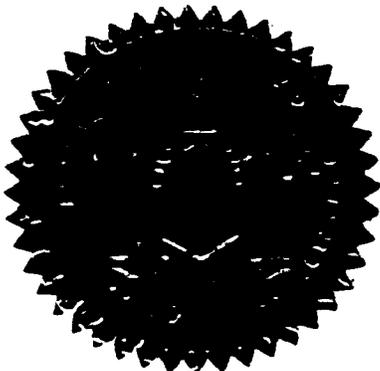
of the

Application of SALVATORE MAURO for restoration of his license to practice as a physician in the State of New York.

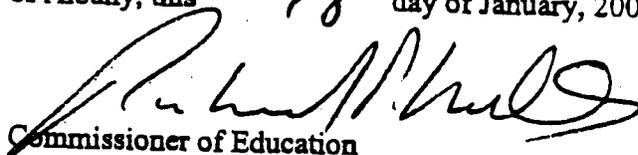
Case No. 99-182-60

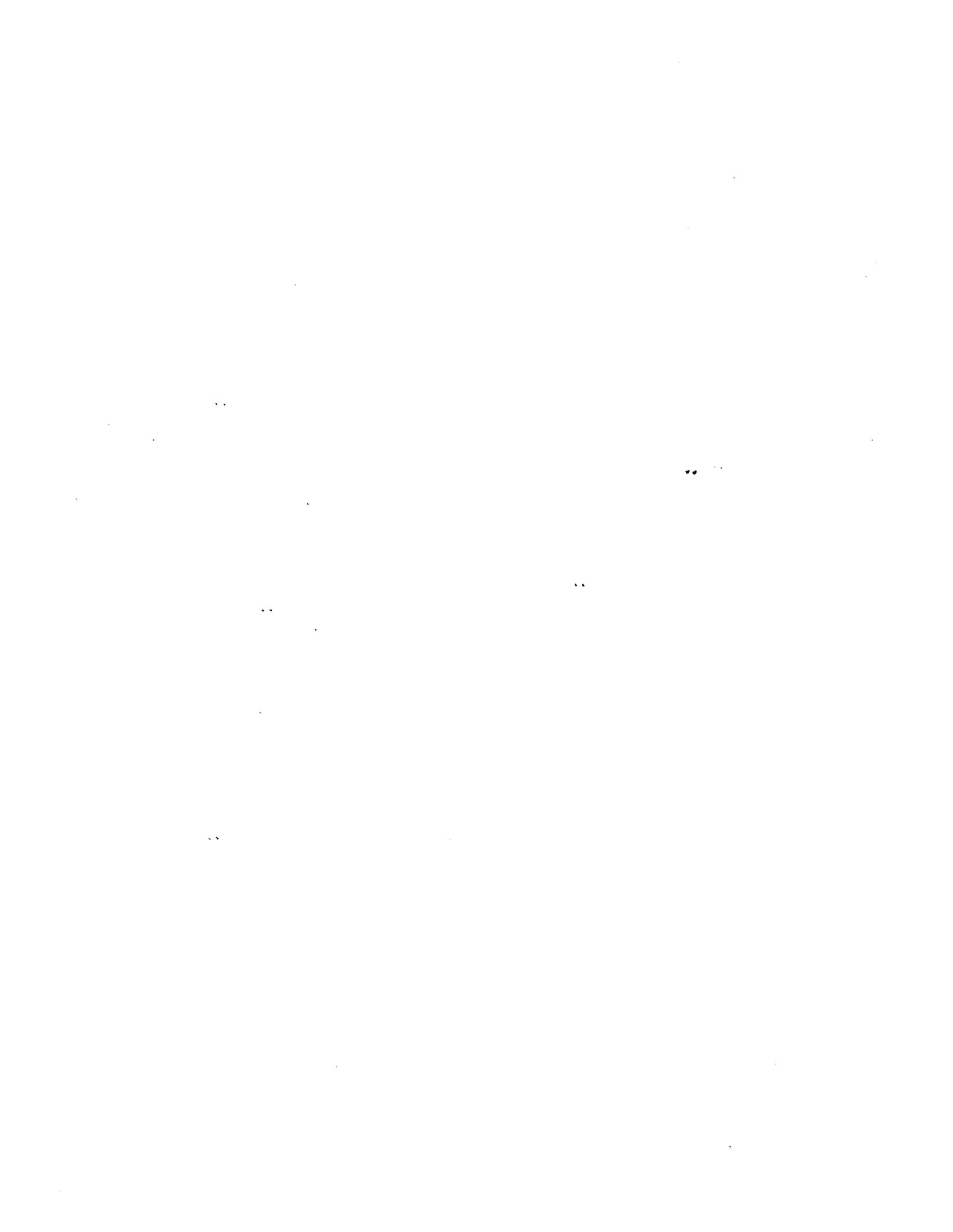
It appearing that the license of SALVATORE MAURO, 69-26 Dartmouth Street, Forest Hills, New York 11375, to practice as a physician in the State of New York, was revoked by the State Board for Professional Medical Conduct on June 21, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 17, 1999, it is hereby

ORDERED that the petition for restoration of License No. 127025, authorizing SALVATORE MAURO, to practice as a physician in the State of New York, is denied, but that upon submission of proof demonstrating successful completion of the Special Purposes Examination ("SPEX") of the Federation of State Medical Boards, the execution of the order of revocation of said license shall be stayed, and he will then be placed on probation for a period of five years under specified terms and conditions. Upon successful completion of this probationary period, the license of SALVATORE MAURO to practice as a physician in the State of New York shall be fully restored.



IN WITNESS WHEREOF, I, Richard P. Mills, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 18 day of January, 2000.


Commissioner of Education



Case No. 99-182-60

It appearing that the license of SALVATORE MAURO, 69-26 Dartmouth Street, Forest Hills, New York 11375, to practice as a physician in the State of New York, was revoked by the State Board of Professional Medical Conduct on June 21, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on December 17, 1999, it was

VOTED that the petition for restoration of License No. 127025, authorizing SALVATORE MAURO to practice as a physician in the State of New York, be denied, but that upon submission of proof demonstrating successful completion of the Special Purposes Examination ("SPEX") of the Federation of State Medical Boards, the execution of the order of revocation of said license shall be stayed, and he will then be placed on probation for a period of five years under specified terms and conditions. Upon successful completion of this probationary period, the license of SALVATORE MAURO to practice as a physician in the State of New York shall be fully restored.

Case Number 99-182-60

November 10, 1999

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: **Salvatore Mauro**

Attorney: John Gemelli

Salvatore Mauro, 69-26 Dartmouth Street, Forest Hills, New York 11375, petitioned for restoration of his physician license. The chronology of events is as follows:

- 05/07/76 Issued license number 127025 to practice medicine in New York State.
- 02/08/88 Charged with professional misconduct by Department of Health.
- 04/18/89 Regents Review Committee voted suspension for three years, last 30 months stayed, probation for three years, 100 hours of community service, and \$10,000 fine.
- 04/18/89 Pled guilty in United States District Court, Southern District of New York, to conspiracy to commit Medicaid Fraud and Medicaid Fraud.
- 05/19/89 Board of Regents voted suspension for three years, last 30 months stayed, probation for three years, 100 hours of community service, and \$10,000 fine.
- 06/02/89 Commissioner's Order dated.
- 03/26/92 Pled guilty in Westchester County Court of the State of New York to the felony of Grand Larceny in the Fourth Degree.
- 10/26/93 Charged with two specifications of professional misconduct by the Department of Health.
- 06/21/94 Effective date of revocation of physician license by Department of Health.
- 04/22/96 Submitted application for restoration of physician license.
- 04/15/98
&

- 11/04/98 Peer Committee restoration review.
- 08/23/99 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 11/10/99 Report and recommendation of the Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. On July 27, 1987, the Commissioner of the New York State Department of Social Services affirmed Dr. Mauro's disqualification from participation in the Medicaid Program. Based on that action and the findings related to that decision, on February 8, 1988, the Department of Health charged Dr. Mauro with professional misconduct; specifically, practicing with negligence or incompetence on more than one occasion, failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, and ordering excessive tests or treatments or using treatment facilities not warranted by the condition of the patient.

On April 18, 1989, a Regents Review Committee determined that Dr. Mauro was guilty of professional misconduct based on a finding by an administrative agency that he violated a State statute or regulation as set forth in the statement of charges. Specifically, they determined that he was guilty of negligence on more than one occasion and of unprofessional conduct by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient and by ordering excessive treatments not warranted by the condition of the patient. The Committee recommended that Dr. Mauro's license be suspended for three years, that he perform 100 hours of public service, that he be fined \$10,000, that he pursue education courses in medical recordkeeping management and medical ethics, that execution of the last 30 months of said suspension be stayed, and that Dr. Mauro be placed on probation for the entire three-year period of suspension under specified terms and conditions. On May 19, 1989, the Board of Regents voted to accept the findings of fact, determination as to guilt, and recommendation as to penalty of the Regents Review Committee. The Commissioner's Order was dated June 2, 1989.

On April 18, 1989, Dr. Mauro pled guilty in United States District Court, Southern District of New York, to conspiracy to commit Medicaid Fraud and Medicaid Fraud. He permitted physicians qualified to receive reimbursement from the Medicaid program to submit claims to the program for medical services provided, when, in fact, Dr. Mauro had performed the medical services while disqualified from the Medicaid program. He was sentenced to one year in prison. On or about March 26, 1992, Dr. Mauro pled guilty in Westchester County Court of the State of New York to the felony of Grand Larceny in the Fourth Degree. His conviction was based upon conduct from December 1987 through July 1988 in which he was an officer of a corporation which engaged in activities surrounding the provision of ultrasound reports to assist other individuals in submitting false radiological claims to the Medicaid Program for reimbursement. Dr. Mauro was sentenced to five years probation, and was ordered to pay \$50,000 in restitution and perform 100 hours of community service.

Based on the Federal and State convictions, on October 26, 1993, the Department of Health charged Dr. Mauro with two specifications of professional misconduct. A Hearing Committee of the State Board for Professional Medical Conduct found that Dr. Mauro was guilty of the charges and voted to revoke his license. The revocation was effective June 21, 1994.

Dr. Mauro submitted his application for restoration of his physician license on April 22, 1996.

Recommendation of Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Wu, Harris, Lopez) convened on April 15 and November 4, 1998. In its report dated August 23, 1999, the Committee recommended unanimously that the revocation of Dr. Mauro's license be stayed and that he be placed on probation for five years under specified terms and conditions, including the submission of quarterly performance reports by his supervisor or employer and a restriction that he work only in a structured environment under supervision.

Recommendation of the Committee on the Professions. On November 10, 1999, the Committee on the Professions (Duncan-Poitier, Ahearn, Muñoz) met with Dr. Mauro to consider his application for restoration. John Gemelli, his attorney, and Teresa Mauro, his wife, accompanied him.

The Committee asked Dr. Mauro to explain why the Department of Social Services took away his Medicaid privileges. He replied that he was working in a Medicaid Clinic in Harlem and "didn't complete all records as I should have." He admitted that many times he took short cuts with patients' medical histories so that he could see more patients each day at the clinic, usually 25 - 30 a day. Dr. Mauro reported that there were no patient complaints and no malpractice suits. He indicated that his records were found to be inadequate and he lost his Medicaid number. He said that the State put him on probation and required him to complete specified coursework, including ethics. Dr. Mauro told the Committee that after he lost his Medicaid number, he worked for another physician who paid him a salary but would submit Medicaid claims under his registered number for services that Dr. Mauro had performed. Dr. Mauro said, "At the time, it was a way of making money. It was greed on my part."

The Committee asked Dr. Mauro what was wrong with what he had done. He explained that he had disgraced his profession, his family, and himself. Additionally, he said that he did his patients a disservice and hoped that none of them were hurt. The Committee inquired about the allegations against him that indicated he had provided substandard care to his patients. Dr. Mauro replied that he had not helped his patients as much as he could have and should have delved more into their backgrounds. He indicated that in his haste to see as many patients as possible, he would not ask questions that might have been appropriate to more accurately diagnose his patients. He said that he realizes this was wrong.

When asked by the Committee what compelling evidence he could present for restoration of his license, Dr. Mauro responded that he has tried to do everything in his power to demonstrate that his license should be restored. He stated that he is

rehabilitated, has taken coursework in ethics, has studied and obtained first-hand experience in medical recordkeeping, has taken basic science courses at New York University, has done volunteer work in a soup kitchen and with children's sports groups, and has paid full restitution. He reported that he also did volunteer work at St. John's Bread of Life doing vision checks and asking those he was seeing if they had high blood pressure or diabetes. He emphasized that he was not practicing medicine and said, "I do tell people I don't have a license. At first, you try to hide it." He indicated that after talking with Dr. Nappi and two Monsignors, he realized that "You have to admit to yourself what you did was wrong." Dr. Mauro told the Committee that it was difficult to put into words what was now different about him and that it was really a "feeling you feel within." Mrs. Mauro told the Committee that her husband was a very closed person and often has difficulty expressing his feelings. She said, "We have each other, our children. That's all that matters. Our life is very simple. We're happy now."

The Committee noted that he had a prior disciplinary action before the revocation and asked how it could be assured that he would not again commit professional misconduct. Dr. Mauro responded that at the time of the misconduct he was only seeing Medicaid patients, and that when his number was revoked he did not see how he would be able to make a living. He indicated that because of greed, he agreed at that time to see Medicaid patients for another physician who would bill Medicaid. Dr. Mauro said that the physician paid him a salary. He reported that prior to having the Medicaid practice in Harlem, he had a private practice in ophthalmology in Queens, but was only seeing about 20 - 30 patients a week. He said that he wanted to make more money and that was why he started the Medicaid practice as a general medical practice. Dr. Mauro told the Committee that "deep inside" he knew some of his patients would get prescriptions and sell them, but he did not stop giving them the scripts.

Regarding the Federal indictment, Dr. Mauro explained that it was related to his having another physician use his Medicaid number to bill for services that he had performed. He reported that it was only for a three-week period. Dr. Mauro explained that the State conviction related to his involvement with a scheme whereby another person's sonogram would be submitted for Medicaid reimbursement for a person who did not have one taken. He explained that all of this misconduct was interrelated and occurred within a relatively short period of time. Dr. Mauro told the Committee that he received approximately three to four thousand dollars from the radiologist and about \$1,500 from the physician who used his Medicaid number.

Dr. Mauro said that he was now working in the Human Resources Department of New York University Dental School. He reported that he looks over the employees' charts and makes sure that they have all the appropriate tests and other required documentation. He said that he has spoken to the Dean and they discussed his possible involvement with a research project if his license were restored.

The Committee asked Dr. Mauro what he would tell his ex-patients if he were a member of this Committee which recommended that his license be restored. He told the Committee that he was "not cold-blooded" while he practiced. He indicated that he would see any Medicare patients even though the reimbursement often didn't cover expenses. He reported that one time he had a staff person drive him to the home of

such a patient who could not make it to the office. In response to Mr. Gemelli's clarification of the question, Dr. Mauro said he "would tell the former patients that Dr. Mauro has shown me remorse, that he is rehabilitated, that he has continuing education, that he has met with clergymen and others to see the errors of his way, that he realizes what he did was wrong, that I believed he was sorry, that New York University is willing to give him a second chance and I felt I should also." Dr. Mauro described his volunteer activities and indicated that he continues to periodically work in a soup kitchen even though he has completed the court mandate of community service.

Mr. Gemelli described the metamorphosis he has seen in Dr. Mauro and felt that the respect the doctor has for his profession and family would prevent him from engaging in such misconduct again. He said that Dr. Mauro would certainly not do it again for greed.

The Committee on the Professions (COP) agrees with the Peer Committee that Dr. Mauro has demonstrated true remorse. The COP found that he was sincere in his responses to their questions, understands the root causes of his misconduct, and has made behavioral changes to mitigate any future recurrences of the misconduct. The COP agrees with the Peer Committee that Dr. Mauro has gained significant insight into the flaws in his character and concurs with their belief that a recurrence of such conduct is highly unlikely. The COP notes that the misconduct occurred over ten years ago and over a short period of time in Dr. Mauro's professional career. The COP finds that Dr. Mauro has made a compelling case to demonstrate that his license should be restored and that the public would not be in peril were his license restored.

Therefore, after a complete review of the record and its meeting with Dr. Mauro, the Committee on the Professions voted unanimously to concur with the recommendation of the Peer Committee that the order of revocation of Dr. Mauro's license to practice as a physician in the State of New York be stayed for five years, that he be placed on probation for five years under specified terms, attached to this report and labeled Attachment "A," and that upon successful completion of the probationary period, his license be fully restored. However, since some of the misconduct related to substandard care of his patients, the COP believes that Dr. Mauro must demonstrate current competency to provide assurance his patients would receive adequate care. Therefore, the COP recommends that before the stay is executed, Dr. Mauro must satisfactorily pass the Special Purposes Examination (SPEX) of the Federation of State Medical Boards.

Johanna Duncan-Poitier, Chair

Kathy A. Ahearn

Frank Muñoz

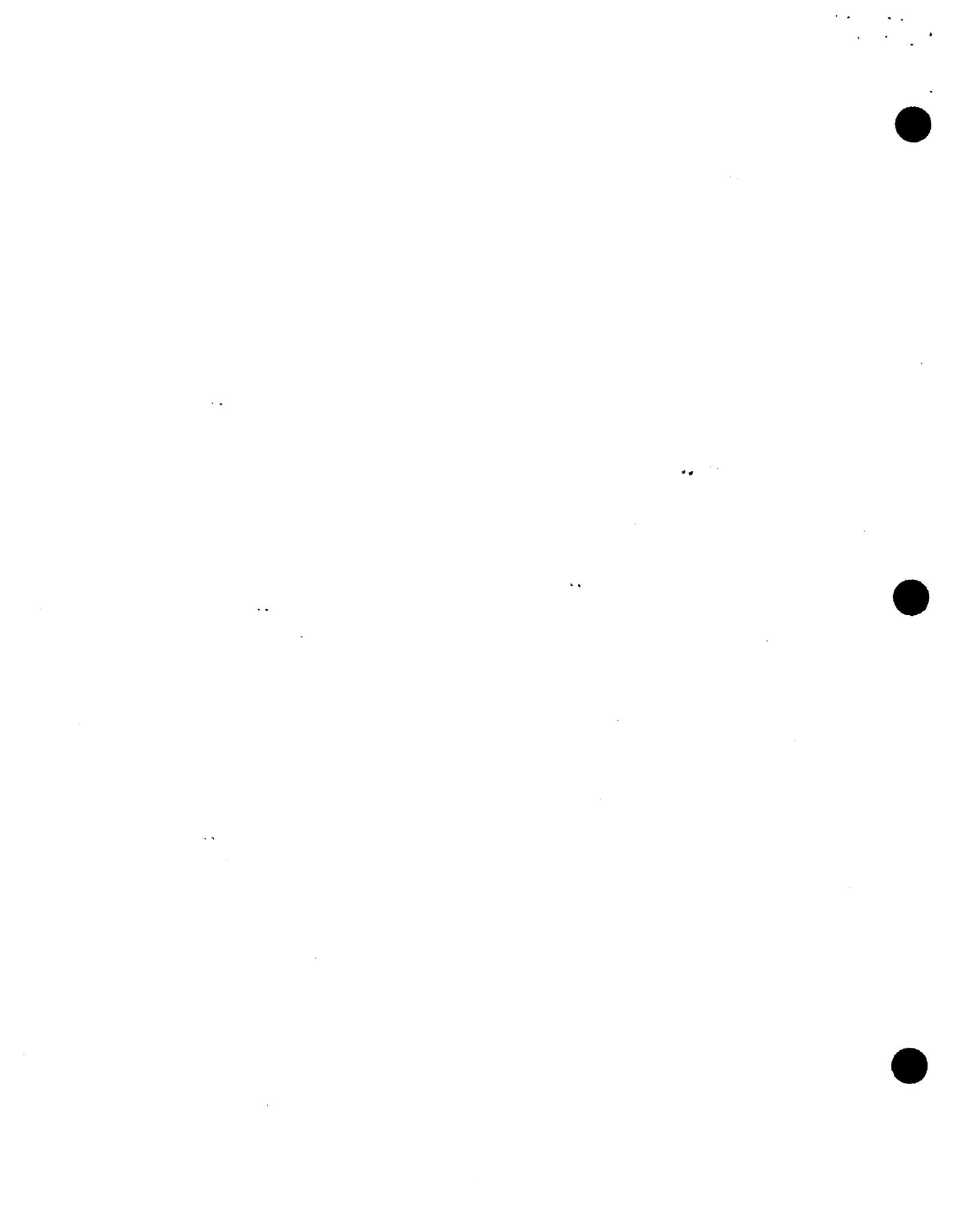


EXHIBIT "A"

TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS
FOR

SALVATORE MAURO

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, 433 River Street, Suite 303, Troy, New York 12180, of any employment and/or practice, applicant's residence, telephone number, or mailing address, and any change in employment, practice, residence, telephone number or mailing address within or without the State of New York;
3. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by applicant to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. That applicant shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. That applicant shall have quarterly performance reports submitted to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, from his employer, evaluating his performance as a physician in his place of employment, said reports to be prepared by applicant's supervisor or employer;
6. That applicant, during the period of probation, shall work only in a structured environment under supervision;
7. That applicant shall make quarterly visits to an employee of the Office of Professional Medical Conduct of the New York State Department of Health, unless

otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring; and

8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X

In the Matter of the Application of

SALVATORE MAURO

**REPORT OF
THE PEER
COMMITTEE
CAL. NO. 16841**

for the restoration of his license to
practice as a physician in the State of
New York.

-----X

Applicant, **SALVATORE MAURO**, was authorized to practice as a
physician in the State of New York by the New York State Education
Department.

PRIOR DISCIPLINARY PROCEEDING

By final decision, dated July 27, 1987, of the Commissioner of
the New York State Education Department of Social Services,
applicant was permanently disqualified from participation in the
Medicaid Program. The decision found that applicant's medical
records pertaining to Medicaid patients were totally inadequate,
and that the records failed to include vital and basic information
about patient's symptoms, histories, physical examination findings,
diagnosis and treatments. Applicant's records also reflected the
provision of substandard treatment, the prescription of medications
which should not have been prescribed, and poor diagnostic
management.

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Based on the above applicant was found guilty by the Regents Review Committee and the Board of Regents of practicing with negligence or incompetence on more than one occasion, of failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, and of ordering excessive tests, treatment, or use of treatment facilities not warranted by the condition of the patient.

By Commissioner's Order dated June 2, 1989 applicant had his license to practice medicine suspended for a period of 36 months, the last 30 months of said suspension stayed, was placed on probation for a period of 3 years, was given 100 hours of community service and a fine of \$10,000. Applicant was also required to take continuing education courses in medical record keeping and ethics.

On April 18, 1989, applicant pled guilty in United States District Court for the Southern District of New York to three counts of violations of Federal Law; specifically, conspiracy to commit Medicaid fraud and Medicaid fraud. Applicant was sentenced to one year in prison for each count, to run concurrent with each other. These violations were based upon applicant's actions during the period of about September, 1986 through about June, 1988 by which he permitted physicians qualified to receive reimbursement from the Medicaid Program to submit claims to such program for medical services provided, when, in fact, applicant had performed such medical services while disqualified from the Medicaid Program.

Applicant actually served nine month in Allenwood

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Penitentiary, Allenwood, Pennsylvania from April, 1989 to February, 1990 as a result of his conviction of violations of Federal Law.

On or about March 26, 1992, applicant pled guilty in Westchester County Court of the State of New York to the felony of Grand Larceny in the Fourth Degree.

Applicant was sentenced in Westchester County Court on or about April 9, 1993 to five years probation and was ordered to pay \$50,000 in restitution and to perform one hundred hours of community service.

Applicant's conviction of a violation of State Law was based upon his conduct during the period of about December, 1987 through about July, 1988 in which he was an officer of a corporation which was engaged in activities surrounding the provision of ultrasound reports to assist other individuals in submitting false radiological claims to the Medicaid Program for reimbursement.

Based on these convictions applicant's license to practice medicine in the State of New York was revoked effective June 21, 1994.

THE APPLICATION

On April 22, 1996 applicant petitioned for the restoration of his license to practice as a physician in the State of New York. After a brief description of his family and his past medical associations, applicant, in his petition and in an attached memorandum, outlined his past criminal and professional disciplinary history and set forth how he has attempted to pay his

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debt to society even though it has brought about his near financial ruin.

Applicant has continued to do community service beyond the 100 hours called for in his first disciplinary matter.

INVESTIGATIVE INTERVIEW

During the course of the February 25, 1997 interview applicant stated that the Regents Action was justified. However, now he feels he paid his debt to society by paying restitution, being incarcerated, and losing his dignity and the respect of his peers within the community.

Throughout this entire ordeal, his family and friends were very supportive and helped him both emotionally and financially. Though applicant did not seek any formal rehabilitation or medical intervention, a friend of his, who is a psychiatrist, gave him counseling and advise for approximately a year.

Applicant was able to support himself and his family by borrowing on his pension, utilizing his savings, doing odd jobs and depending on his wife's salary as a teacher.

Applicant submitted a certificate of relief from disabilities effective January 10, 1997.

Applicant has keep up with the practice of medicine by reading a number of medical journals and publications (JAMA, THE NEW ENGLAND JOURNAL OF MEDICINE, etc). Applicant also attended a continuing education training course, sponsored by the Catholic Medical Center, on infection control. Applicant also attende

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grand rounds at the University of New York at Stony Brook School of Medicine and enrolled in continuing education courses at Stony Brook.

PEER PANEL REVIEW

On April 15 and November 4, 1998, the Peer Panel met to review the application in this matter. Applicant appeared and was represented by John Gemelli, Esq. The Department was represented by Dennis Spillane, Esq.

The Chairperson opened the meeting by stating that the Peer Panel had read the full application and all supporting documentation before the meeting. The Chairperson had everyone in the meeting introduce themselves.

Applicant presented 12 additional documents during the course of the meeting which are made part of the material in this matter.

Mr. Gemelli began by questioning applicant about his family and his medical education and practice. He then took applicant through a history of his professional discipline and criminal problems. He then asked applicant why all this had happened. Applicant said that it was the worst mistake of his life, that he had been an idiot and a fool and that the whole thing had been a nightmare. Applicant said it had all been done for greed, for easy money. He realizes now that he violated his duty to his profession and that he embarrassed himself, his family, his colleagues and his profession. He expressed his deep sorrow for what he had done.

Applicant went on to say that he had complied with all the

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terms of his probation and his probation officer had recommended an early discharge after applicant had completed 2½ years of his 5 year probation.

After loosing his license applicant has worked at various jobs and is now working at NYU in human resources. NYU knows all about applicant's history. Applicant presented a letter from NYU which was accepted.

Applicant reads medical journals such as Ophthalmology Times and others and does other continuing education work (see Investigative Interview above). Applicant presented a document indicating 2,160 AMA credits and five other documents regarding CME.

Applicant continues to do community service in a soup kitchen and as a basketball coach.

Applicant said he misses the practice of medicine as it is the only thing he is trained to do and would accept any probation terms imposed upon him. Applicant stated that he has learned his lesson and that he has had no legal lapses since 1988 and nothing improper will ever happen again.

Upon questioning by Mr. Spillane and the panel applicant stated that his first problems with Medicaid were not just record keeping problems but also problems with substandard treatment. Applicant also went into greater detail about the circumstances that gave rise to the criminal convictions and took full responsibility for his actions.

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Applicant stated that if he gets his license back he would like to teach at NYU and would teach his students about the pitfalls of false billing.

Applicant stated that he was sure nothing like his past problems would reoccur because of what he has been through and while he has not had formal psychological counseling he has talked at length with his friend, a psychiatrist, and with two Monsignors and a friend who is the dean of a dental school and they all discussed his situation completely. He realizes that he has trampled on his duty to his patients and to society. Applicant, when he was in practice, did see patients on a pro bono basis. He realizes now that the patient comes first, not himself.

Applicant, at the urging of his attorney, attempted to describe what it was like to be handcuffed, to be taken from his family and to serve time in jail. Applicant said it was like everything caved in. He was like a hollow shell. He lost respect for himself because he was treated like a number not a human being. He stated that he will never put himself in that situation again. That is why the panel can believe he will never repeat his past misconduct.

At the beginning of the second day in this matter, November 4, 1998, applicant offered four letters which are made a part of the material herein.

One of these letters is from Anthony Nappi, MD the psychiatrist spoken about in our first meeting on April 15, 1998.

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Dr. Nappi states that he has been treating applicant since 1997 and says in part:

"I would like to say that in my clinical judgement I think that Dr. Mauro is fully repentant, he understands the severity and sensitivity and the results of his past behavior. He is a very dedicated family man, socially well-rounded and he doesn't smoke, drink or have any other "bad" habits.

In conclusion, would he ever do it again? In my opinion I feel that Salvatore Mauro is fully rehabilitated and the likeliness of his ever engaging in this criminal act again is quite unlikely."

Another letter is from Rev. Msgn. Edward B. Scharfenperoer, also spoken of at our first meeting. He has been seeing applicant on a regular basis for counseling for over a year and says in part:

"During these sessions, we have analyzed and discussed the ethical and legal issues involved in the activities for which he has been rightly held in account, and we have identified three important components of his complete rehabilitation:

- (1) the admission that these ways of thinking and acting are wrong,
- (2) the awareness that they are harmful to his profession, his community, his family and himself and, most important of all,
- (3) the will never to return to them again.

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Admission, awareness and will are not just a matter of "hoping" temptation will never come again. It will. Nor is just "good intentions" of doing whatever is possible to resist. Doctor Mauro understands and accepts that there is no other option than to say never again and that nothing less is acceptable."

The other two letters, from Dr. Alfano and from Dr. Paola, both strongly recommend reinstatement of applicant's license.

Applicant then called Charles DiDonato a licensed optician who has known applicant personally for twenty years and worked with him professionally for about ten years. He sees applicant about once a week and believes applicant is remorseful for his misdeeds and has rehabilitated himself through community service and continuing education and by being a productive member of society.

Applicant then called Joseph Kelly, applicant's brother in law (married to applicant's sister) and retired deputy executive director of Coney Island Hospital. Mr. Kelly sees applicant on an almost daily basis and believes him to be remorseful and to have made significant efforts at rehabilitating himself by being a good family man, doing volunteer work in the community, doing course work and being employed at NYU.

Applicant then called Teresa Mauro, applicant's wife of twenty five years. Mrs. Mauro was questioned at length on direct examination, cross examination, panel questions, redirect and recross. Throughout this questioning she maintained that her

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husband is a different man today than he was ten years ago. She said if she did not believe that she would not have stayed with him through all the hardship of his incarceration, financial difficulties, the raising of three children on her own while he was in prison, the problems of him finding employment and other difficulties. She stated that all this has been a humbling experience for her husband and she believes he would never do anything that would place himself and his family in such a terrible position again.

Applicant then spoke again to the penal. He was questioned at length about the four letters that had been submitted earlier in the day by his attorney.

The parties then made closing statements.

RECOMMENDATION

We unanimously recommend that the application herein be granted and that the revocation of applicant's license to practice medicine in the State of New York be stayed.

Applicant has made an effort to gain insight into the flaws in his character that led to his unprofessional and criminal conduct by speaking with a psychiatrist and a religious counselor. We believe he has gained significant insight in this regard and we believe a recurrence of such conduct is highly unlikely.

Applicant has also engaged in ample continuing medical education.

We believe applicant has demonstrated true remorse in his

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testimony before us and by the witnesses he presented and by the letters submitted on his behalf.

Applicant has demonstrated rehabilitation through the counseling he has sought and the community service he has continued to do.

Accordingly, we recommend that applicant be placed on probation for a period of five years under the standard terms of probation plus the following term of probation:

1. That applicant shall have quarterly performance reports submitted to the New York State Education Department, addressed to the Director, Office of Professional Discipline, from his employer, evaluating his performance as a physician in his place of employment, said reports to be prepared by applicant's supervisor or employer;
2. That applicant, during the period of probation, shall work only in a structured environment under supervision.

Respectfully submitted,

Thomas Wu, M.D., Chairperson

David Harris, M.D.

Rafael Lopez, M.D.

Thomas Wu August 23, 1999
Chairperson Dated

