



***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*

William P. Dillon, M.D.  
*Chair*

Denise M. Bolan, R.P.A.  
*Vice Chair*

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

December 20, 2001

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

Jerald D. Zaccheo, M.D.  
3620 Avery Court  
Turlock, CA 95380

RE: License No. 134842

Dear Dr. Zaccheo:

Enclosed please find Order #BPMC 01-313 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 20, 2001.

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 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

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**IN THE MATTER**  
**OF**  
**JERALD D. ZACCHEO, M.D.**  
**CO-01-06-3176-A**

**SURRENDER**  
**ORDER**  
BPMC No. 01-313

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**JERALD D. ZACCHEO, M.D.,** says:

On or about July 1, 1978, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 134842 by the New York State Education Department. I currently reside at 3620 Avery Court, Turlock, CA 95380.

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 two (2) specifications 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 two (2) specifications 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

**ORDER**

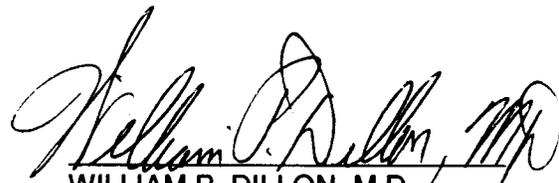
Upon the proposed agreement of **JERALD D. ZACCHEO, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

**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: 12/20, 2001

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct

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

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**IN THE MATTER**  
**OF**  
**JERALD D. ZACCHEO, M.D.**  
**CO-01-06-3176-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**JERALD D. ZACCHEO, M.D.**, the Respondent, was authorized to practice medicine in New York state on July 1, 1978, by the issuance of license number 134842 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 28, 2001, the Office of Administrative Hearings, State of California (hereinafter "California Agency"), by an Order Granting Petition for Ex Parte Interim Suspension Order (hereinafter "California Order"), suspended Respondent's Certificate to practice as a Physician and Surgeon, based on a determination that permitting him to continue to engage in the practice of medicine, without restriction, will endanger the public health, safety and welfare.

B. On or about October 9, 2001, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California (hereinafter "California Board"), by a Decision (hereinafter "California Decision"), revoked Respondent's Physician and Surgeon's Certificate, stayed the revocation, placed him on five (5) years probation with terms and conditions, and required him to pay \$10,000.00 investigative and prosecution costs, based on unprofessional conduct/excessive drug use.

C. The conduct resulting in the California 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(8) (being dependent on or a habitual user of drugs); and/or
2. New York Education Law §6530(20) (moral unfitness).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

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

#### **SECOND SPECIFICATION**

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

2. The facts in Paragraphs A, B, and/or C.

DATED: *Nov 29*, 2001  
Albany, New York



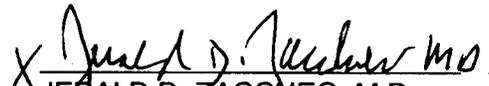
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

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.

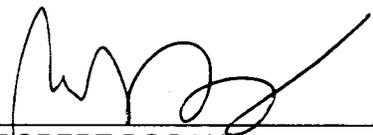
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: December 10<sup>th</sup>, 2001

X   
JERALD D. ZACCHEO, M.D.  
Respondent

AGREED TO:

Date: 12 December, 2001

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 17 December, 2001

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

**ORDER**

Upon the proposed agreement of **JERALD D. ZACCHEO, 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

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**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: \_\_\_\_\_, 2001

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**WILLIAM P. DILLON, M.D.**  
Chair  
State Board for Professional  
Medical Conduct