



## Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.  
Executive Secretary

March 18, 1992

### CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joseph John Arino, D.O.  
672 Day Avenue  
Ridgefield, New Jersey 07657

Effective Date 03/24/92

RE: License No. 110131

Dear Dr. Arino:

Enclosed please find Order #BPMC 92-23 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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
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 : ORDER  
JOSEPH JOHN ARINO, D.O. : #BPMC 92-23

-----X

Upon the Application of Joseph John Arino, D.O., Respondent, to Surrender his license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

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

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and 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 via certified mail, whichever is earliest.

SO ORDERED,

DATED: 13 March 1992

Charles J. Vacanti  
Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



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 permission to surrender my license as a physician in the State of New York on the grounds that I admit guilt to the three specifications of professional misconduct set forth in the charges.

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

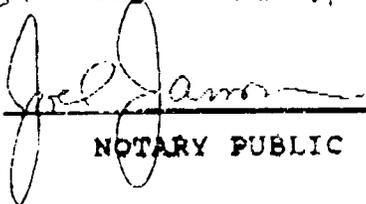
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against 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 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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

  
\_\_\_\_\_  
JOSEPH JOHN ARINO, D.O.  
Respondent

Sworn to before me this  
5<sup>th</sup> day of March, 1992

  
\_\_\_\_\_  
NOTARY PUBLIC

Joel Jarman  
Notary Public of New Jersey  
My Commission Expires April 28, 1995

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

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IN THE MATTER	:	APPLICATION TO
OF	:	SURRENDER
JOSEPH JOHN ARINO, D.O.	:	LICENSE

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The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 3/5, 1992

Joseph John Arino  
JOSEPH JOHN ARINO, D.O.  
Respondent

Date: 3/5, 1992

I do not choose to be represented by an attorney  
Attorney for Respondent JJA

Date: March 5, 1992

Marcia E. Kaplan  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: March 17, 1992

Kathleen M. Tanner  
KATHLEEN M. TANNER  
Director  
Office of Professional  
Medical Conduct

JOSEPH JOHN ARINO, D.O.

Date: 13 March 1992

*Charles J. Vacanti*

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
JOSEPH JOHN ARINO, D.O. : CHARGES

-----X

JOSEPH JOHN ARINO, D.O., the Respondent, was authorized to practice medicine in New York State on August 17, 1971 by the issuance of license number 110131 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. His last registration expired on December 31, 1990. His last registration address was 672 Day Avenue, Ridgely, New Jersey 07657.

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF  
COMMITTING AN ACT CONSTITUTING  
A CRIME UNDER FEDERAL LAW

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law sec. 6530(9)(a)(1) (McKinney Supp.

"EXHIBIT A"

1992) in that he has been convicted of committing an act constituting a crime under federal law, specifically:

1. On or about March 11, 1986, the Respondent was convicted after a plea of guilty in the United States District Court for the District of New Jersey of Failure to File An Income Tax Return, a misdemeanor, in violation of 26 U.S.C. Sec. 7203, in that following the close of calendar year 1981 and on or before April 15, 1982, Respondent willfully failed to file a United States income tax return stating that he had received gross income of \$70,673 during calendar year 1981, although he knew that he was required by law to do so.

On or about March 11, 1986, the Respondent was sentenced as follows: imposition of term sentence be suspended and the defendant be placed on probation for a period of two years and fined \$10,000. Special conditions of probation to include the following: payment of fine is to be paid during the period of probation; defendant is to provide copies of his yearly filed income tax returns to the probation office; defendant is to cooperate with the Internal Revenue Service in setting up a schedule to repay his delinquent taxes.

#### SECOND AND THIRD SPECIFICATIONS

HAVING BEEN FOUND GUILTY OF  
PROFESSIONAL MISCONDUCT BY A  
DISCIPLINARY AGENCY OF ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec.

6530(9)(b) (McKinney Supp. 1992) in that he has 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, specifically:

2. On or about January 9, 1989, the New Jersey State Board of Medical Examiners found Respondent guilty of professional misconduct upon finding him in violation of N.J.S.A. 45:1-21(f); i.e. convicted of a crime involving moral turpitude and one relating adversely to the practice of medicine based upon the federal conviction alleged in paragraph one above.

This conduct, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law sec. 6530(9)(a)(ii) (McKinney Supp. 1992).

On January 9, 1989, the New Jersey State Board of Medical Examiners suspended Respondent's license for three years, stayed the suspension, and placed Respondent on probation. The conditions of probation were as follows: that Respondent shall perform 600 hours of community service over the three year period, to be served 200 hours per year (in lieu of any fine in recognition of his representation that he is in dire financial straits as a result of the criminal conviction and the resulting order to pay back the government); and that, within 60 days, he shall submit a plan for community service for Board approval, and if the

approval is withheld, the Board may, at its option, impose a particular plan upon Respondent or request that he formulate an additional plan.

On or about July 26, 1989, the New Jersey State Board of Medical Examiners filed a Supplemental Order based upon its finding that Respondent had failed to comply with its Order of January 9, 1989. In the Supplemental Order, the Board removed the stay of suspension and activated the entire 3 year term of suspension effective August 10, 1989, further directed Respondent to comply with its directives, and ordered the Respondent to appear before the Board to answer any questions relating to his fitness to practice medicine before returning to the practice of medicine.

On or about February 2, 1990, after a hearing on January 10, 1990, the Board filed a Supplemental Order staying the remainder of the active three year suspension, subject to Respondent's compliance with the terms of the Order, and imposed conditions on Respondent's return to practice, as follows: that Respondent's practice be supervised, that Respondent commence psychotherapy, that Respondent perform the 600 hours of community service required under the terms of the initial Order, and that Respondent appear before the Board for a status conference within 90 days of his return to practice, at which time the conditions may be modified.

On or about December 6, 1990, after a hearing on November 14, 1990, the Board filed a Second Supplemental Order based upon its finding that Respondent had failed to comply with its Order of February 2, 1990. In the Second Supplemental Order, the Board reactivated the suspension of Respondent's license, but in consideration of his financial and personal problems, expressly permitted him to conduct insurance physical examinations; further required the Respondent to submit to a psychiatric examination and have a psychiatric report provided to the Board within sixty days, and

provided that failure to comply would result in the automatic suspension of his license without any further proceedings; further required the Respondent to submit a plan providing for supervision of all his practice within sixty days; and further provided that the Respondent may petition the Board for modification of the terms of the Order only if he complies with the requirement that he cause a psychiatric report to be provided to the Board and submits a plan providing for supervision of all his practice.

On or about September 11, 1991, the New Jersey Board reviewed a petition by Respondent and granted him permission to commence specified supervised employment but stated explicitly that any further modification of its Order of December 6, 1990 would require a new petition and further review.

3. On or about August 6, 1990, the Missouri State Board of Registration for the Healing Arts found Respondent guilty of professional misconduct based upon a Stipulation finding him in violation of RSMo. Sec. 334.100.2(8), i.e. having had final disciplinary action taken against his license by another state. This finding was based on the New Jersey Board's entry of a Final Order on January 9, 1989, and Supplemental Orders on July 26, 1989 and February 2, 1990, as a result of his federal criminal conviction of failure to file a federal income tax return, as alleged in the first and second paragraphs above.

On or about August 6, 1990, the Missouri Board suspended Respondent's medical license for three years, stayed the suspension, and placed Respondent on probation, retroactive from August 10, 1989, conditioned upon Respondent's compliance with the following terms: that he not practice in Missouri without prior notice to the Missouri Board and the Board's express written consent, that he appear in person for interviews before the

Missouri Board and accept unannounced visits from its representatives; that Respondent comply with any conditions or limitations the Missouri Board deems appropriate to impose; and that Respondent comply with the terms of the New Jersey orders.

This conduct, if committed within New York State, would constitute professional misconduct under N.Y. Educ. Law sec. 6530(9)(b) and 6530(9)(a)(ii) (McKinney Supp. 1992).

DATED: NEW YORK, NEW YORK  
January 22, 1992

  
CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
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