



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

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

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

Charles J. Vacanti, M.D.  
*Chair*

September 19, 1996

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

J. William Demarinis, M.D.  
65 Bajart Place  
Yonkers, New York 10705

RE: License No. 081429

Dear Dr. Demarinis:

Effective Date: 09/26/96

Enclosed please find Order #BPMC 96-211 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 12237-0756

Sincerely,

Charles Vacanti, M.D.

Chair

Board for Professional Medical Conduct

Enclosure

cc: Frank Bress, Esq.  
Bress & Boynton, LLP  
81 Main Street  
White Plains, New York 10601

Claudia Bloch, Esq.

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

**IN THE MATTER  
OF  
J. WILLIAM DEMARINIS, M.D.**

**SURRENDER  
ORDER  
BPMC #96-211**

Upon the Application of J. WILLIAM DEMARINIS, M.D. (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, on December 31, 1996, 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 via certified mail, whichever is earliest.

SO ORDERED.

DATED: 17 September 1996

Charles J. Vacanti

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

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

IN THE MATTER  
OF  
J. WILLIAM DEMARINIS, M.D.

APPLICATION TO  
SURRENDER  
LICENSE

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER) ss.:

J. WILLIAM DEMARINIS, M.D., being duly sworn, deposes and says:

On or about September 22, 1958, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 081429 by the New York State Education Department.

My current address is 65 Bajart Place, Yonkers, New York 10705 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with eight 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 permission to surrender my license as a physician in the State of New York on December 31, 1996 on the grounds that I cannot successfully defend against at least one of the acts of misconduct alleged in the Statement of Charges in full satisfaction of the Statement of Charges.

I hereby further agree that, effective immediately, my practice of medicine in the State of New York shall be limited in that I shall have a designated chaperon at

all times that I am in the presence of a female patient, in accordance with the Chaperon Terms set forth in the attached Exhibit "B".

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. 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.

J. William DeMarinis

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J. WILLIAM DEMARINIS, M.D.

Respondent

Sworn to before me this

3<sup>rd</sup> day of August 1996

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

ANGELA FIGUEROA  
Notary Public  
Commission Expires December 4, 1997

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

IN THE MATTER  
OF  
J. WILLIAM DEMARINIS, M.D.

APPLICATION TO  
SURRENDER  
LICENSE

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

Date: 9/5, 1996



J. WILLIAM DEMARINIS, M.D.  
Respondent

Date: 9/6, 1996



FRANK BRESS, Esq.  
Attorney for Respondent

Date: \_\_\_\_\_, 1996

\_\_\_\_\_  
CLAUDIA MORALES BLOCH  
Associate Counsel  
Bureau of Professional  
Medical Conduct

Date: Sept 16, 1996

Anne Saile

ANNE F. SAILE  
Acting Director  
Office of Professional Medical Conduct

Date: 17 September, 1996

Charles J. Vacanti

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

**IN THE MATTER  
OF  
J. WILLIAM DEMARINIS, M.D.**

**STATEMENT  
OF  
CHARGES**

J. WILLIAM DEMARINIS, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 22, 1958, by the issuance of license number 081429 by the New York State Education Department. The identification of Patients A & B referred to in the Factual Allegations, below, are set forth in the Appendix, annexed hereto.

**FACTUAL ALLEGATIONS**

- A. Between on or about November 19, 1968 and on or about December 10, 1992, Respondent undertook the care and treatment of Patient A at his office located first at 19 Ludlow Street, Yonkers, N.Y. and then, from in or about 1974 through in or about December, 1992 at 65 Bajart Place, Yonkers, N.Y. 10705 (hereinafter referred to as "Respondent's office"). Patient A visited Respondent at Respondent's office on numerous occasions between the aforesated period of time seeking medical care and treatment. Over this period of time, Respondent:
1. Failed to obtain and note an adequate history of the patient's complaints.
  2. Failed to perform and note an adequate physical examination of

the patient.

3. Treated Patient A on numerous occasions without maintaining a record of said treatment.
4. Frequently, and on numerous occasions, inappropriately and without legitimate medical purpose administered parenteral narcotics and benzodiazapenes to Patient A.
5. On numerous occasions, failed to document the use and administration of parenteral narcotics and benzodiazapenes to Patient A.
6. Frequently, and on numerous occasions, inappropriately and without medical indication, administered parenteral B12 and B vitamin complex to Patient A.
7. Frequently and on numerous occasions, inappropriately prescribed multiple drugs and drugs in potentially dangerous combinations to Patient A, to wit:
  - a. Loretab
  - b. Sinequan
  - c. Tranxene

- d. Xanax
- e. Librax
- f. Librium
- g. Darvon
- h. Fiorinal
- i. Valium
- j. Restoril
- k. Prozac
- l. Seconal
- m. Butalbital
- n. Etrafon
- o. Mellaril
- p. Equanil
- q. Ludiomil

r. Desyrel

s. Norpramin

8. Inappropriately prescribed and/or administered, parenterally, dosages of narcotics, benzodiazapenes, and other medications referred to above in paragraph 7, at intervals and over such a period of time sufficient to result in Patient A's physiological and psychological dependency and addiction.

9. Failed to make timely and appropriate referrals for Patient A to a psychiatrist, neurologist, pain management expert, and/or physical therapist.

10. Failed to maintain a record for Patient A which accurately reflects the patient's history, examination, diagnosis, tests, and treatment rendered.

B. Starting in or about 1984 and continuing through and including December 10, 1992, frequently, and on numerous occasions when Patient A visited Respondent at Respondent's office as referred to in paragraph A, supra, and, after administering a parenteral narcotic and/or benzodiazapene as referred to in paragraph 4, supra, Respondent:

1. touched Patient A's breasts in such a manner which was not for any legitimate medical purpose, and kissed Patient A on the face,

neck , and breasts.

2. Opened his shirt and/or exposed his chest, pulled down and/or opened his pants and underwear so as to expose his penis, and then caused Patient A's mouth into contact with Respondent's penis until such time as Respondent ejaculated into Patient A's mouth.
  3. With intent to harass, abuse, and/or intimidate Patient A, Respondent yelled at Patient A stating that she was "nothing but a goddamned drug addict," that she "just came to sleep," that she "better learn to cope," and that she and her family were "nuts" and "crazy."
- C. On or about August 19, 1995, Respondent wrote a letter to an investigator for the Office of Professional Medical Conduct in response to a request for Respondent's office records pertaining to his care and treatment of Patient B. In said letter, Respondent stated that Patient B had expired two years prior to the date of his letter and that, at the end of 1994, Respondent discarded Patient B's record, as well as the records of other patients in his practice who moved away and requested release of their records, or patients who were deceased.

## 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. 1996) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. the facts in paragraphs A, A(1), A(2), A(3) through A(6), A(7)(a) through A(7)(s), A(8), A(9), A(10), B, B(1), B(2), and B(3).

### **SECOND SPECIFICATION**

#### **INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1996) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. the facts in paragraphs A, A(1), A(2), A(3) through A(6), A(7)(a) through A(7)(s), A(8), A(9), A(10), B, B(1), B(2), and B(3).

### **THIRD SPECIFICATIONS**

#### **MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1996) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

3. The facts in paragraphs A(4), A(8), B, B(1), B(2), and B(3).

### **FOURTH AND FIFTH SPECIFICATION**

#### **WILLFUL HARASSMENT AND ABUSE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 1996) by willfully harassing, abusing, and intimidating a patient physically and verbally, as alleged in the facts of:

4. The facts in paragraphs A(4), A(8), B, B(1), and B(2).
5. The facts in paragraphs B, and B(3).

### **SIXTH AND SEVENTH SPECIFICATIONS**

#### **FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ Law Sec. 6530(32)(McKinney Supp. 1996) by failing to maintain a record

for each patient which accurately reflects the evaluation and treatment of the patient, and in failing to maintain all patient records for at least six years as alleged in the facts of the following:

6. The facts in paragraph A(10).
7. The facts in paragraph C.

**EIGHTH SPECIFICATION**  
**EXCESSIVE TREATMENT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(35)(McKinney Supp. 1996) by ordering excessive treatment not warranted by the condition of the patient as alleged in the facts of:

8. The facts in paragraphs A, A(3), A(4), A(6), and A(7)(a) through A(7)(s).

DATED: August , 1996  
New York, New York

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## CHAPERON TERMS

Respondent, **J. WILLIAM DEMARINIS, M.D.**, shall, in the course of the practice of medicine in New York State, examine and/or treat any female patient only in the presence of a chaperon. The chaperon shall be a female licensed or registered health care professional or other health care worker and shall not be related to the Respondent.

Over the period of time up to the effective date of surrender of his license, Respondent may elect to retain one or more female chaperons under the terms herein. Respondent may retain said chaperon(s) privately or through an agency. Should Respondent obtain the services of an agency to provide him with licensed or registered nurse(s) to act as chaperon(s), Respondent shall submit the name, address, and telephone number of the agency to Office of Professional Medical Conduct (OPMC). Respondent shall cause each individual chaperon, whether provided by an agency that OPMC has been notified of, or privately retained by Respondent, to execute and submit to the Director of OPMC an acknowledgement of her agreement to undertake all of the responsibilities of the role of chaperon. Said acknowledgement shall be made upon a form provided by, and acceptable to, the Director of OPMC. Said acknowledgement must be submitted to OPMC as soon as an individual chaperon is retained by Respondent or assigned to Respondent by an agency.

Respondent shall provide each chaperon with a copy of the surrender order and all of its attachments and shall, without fail, cause each chaperon to:

routinely report to OPMC regarding her chaperoning of Respondent's practice. In the event that a chaperon is hired by Respondent on a limited basis, either privately or through an agency, she shall report to OPMC immediately following her assignment as chaperon and, if retained for a longer period of time, no less frequently than on a bimonthly basis, and,

report within 24 hours any failure of Respondent to comply with the terms herein, including but not limited to;

any failure by Respondent to have a chaperon present when required

any sexually suggestive or otherwise inappropriate comments by the Respondent, to any patient

any actions of a sexual nature, by the Respondent, in the presence of any patient.

Respondent shall cause each chaperon to confirm her presence at each and every examination or treatment of a female patient by Respondent by placing her name,

title, and date in the patient record for each and every visit, and by maintaining a separate log, kept in her own possession, listing the patient name and date of visit for each and every patient visit chaperoned.

Respondent shall authorize and cause the chaperon to provide copies of the log described above to the OPMC no less frequently than bimonthly, or immediately upon completion of her tenure as chaperon if less than two weeks, and also immediately upon the demand of OPMC.

**EXHIBIT "B"**

**ACKNOWLEDGMENT**

I have agreed to act as female chaperon for the practice of **J. WILLIAM DEMARINIS, M.D.** and to be present at all times that he is in the presence of a female patient, whether during consultation and/or examination. I understand that at no time shall he be alone and unchaperoned while with a female patient.

I am familiar with and have read the Application for Surrender Order and the Statement of Charges and Chaperon Terms annexed thereto as Exhibits "A" and "B" respectively.

I am familiar with the conditions of practice described in the Application for Surrender Order and the chaperon terms entered into by him and I agree to abide by and comply with the terms for chaperoning set forth therein.

I will report to the Director of OPMC on a routine basis, as stated in the Chaperon Terms of the Surrender Application, regarding his compliance with the terms of chaperoning and that he is conducting himself appropriately and professionally with female patients. I agree to immediately report any instance of noncompliance and/or any instance where he has not conducted himself appropriately and professionally with a female patient.

I will make a notation in each female patient's chart, and at each female patient visit, that I was present for the entire time the patient was with him. I will also maintain a list of the female patient names and dates of their visits to him and provide said list to the Director of OPMC when I submit my reports to her.

Should I cease to act in the capacity of chaperon as set forth in the chaperon terms and herein, I shall notify the Director of OPMC immediately.

\_\_\_\_\_  
CHAPERON

\_\_\_\_\_  
(PRINT) NAME

\_\_\_\_\_  
ADDRESS & TELEPHONE

\_\_\_\_\_  
DATE SIGNED AND RETAINED