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	:	No. 87-I-137
In The Matter Of	:	
	:	
ARNOLD RALPH DEMARCO, M.D.	:	
(Certificate No. 02092R),	:	CONSENT
	:	ORDER
	:	_____
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The Louisiana State Board of Medical Examiners (Board) has taken administrative notice that Arnold R. DeMarco, M.D. (Dr. DeMarco) a physician licensed to practice medicine in the state of Louisiana, has been officially censured for his unprofessional conduct in the practice of medicine by the Arizona Board of Medical Examiners (Arizona Board). The Decree of Censure issued upon the Arizona Board's finding that, in September 1983 the physician had performed a bilateral herniorrhaphy on a 7-month old male child, "in the course of which both spermatic cords were dissected, causing . . . a vasectomy."¹ Pursuant to stipulation and consent by the physician, the Arizona Board also entered an administrative order proscribing Dr. DeMarco's performance of elective surgery on children under 10 years of age until further order of that board.² The Board takes further notice that, as a result of the Arizona Board's actions, the New Jersey Board of Medical Examiners subsequently took similar action, pursuant to consent and Final Order, against the physician's license to practice medicine in that state.³

¹Decree of Censure, *In the Matter of Arnold R. DeMarco, M.D.*, ¶ III, at 1-2 (Ariz. Bd. of Med. Exam., Dec. 17, 1984). The Arizona Board concluded that such conduct constituted "unprofessional conduct" under ARIZ. REV. STAT. § 32-1401(8)(o). *Id.*

²Stipulation and Order, *In the Matter of Arnold R. DeMarco, M.D.* (Ariz. Bd. of Med. Exam., Jan. 9, 1985). In connection with the order, Dr. DeMarco stipulated that any violation of the order would constitute unprofessional conduct under Arizona law, subjecting him to further disciplinary action by the Arizona Board.

³Final Order, *In the Matter of the Suspension or Revocation of the License of Arnold R. DeMarco, M.D. to Practice Medicine and Surgery in New Jersey* (N.J. Bd. Med. Exam., Aug. 17, 1985). The New Jersey Board censured and reprimanded Dr. DeMarco for his conduct in the practice of medicine, prohibited him from performing elective surgery on children under the age of 10 years in the state until further order of the New Jersey Board and required his appearance before the Executive Committee of the New Jersey Board and its approval prior to entering into any practice in that state.

As evidenced by his subscription hereto, Dr. DeMarco acknowledges, admits and stipulates to the truth of the information set forth hereinabove, and further acknowledges that such information would constitute probable cause for the institution of administrative proceedings against his Louisiana medical licensure, pursuant to administrative complaint, and that the evidence against him would establish grounds under the Louisiana Medical Practice Act for the suspension or revocation of his license to practice medicine in Louisiana, or for such other action as the Board might deem warranted in the circumstances, pursuant to La. Rev. Stat. § 37:1285(A)(29).

Recognizing his right to have notice of the allegations and charges asserted against him, to administrative adjudication of such charges pursuant to La. Rev. Stat. § 49:955-58, and to a final decision rendered upon written findings of fact and conclusions of law, Dr. DeMarco nonetheless hereby waives his right to notice of charges and formal adjudication, authorizes the Investigating Officer herein to disclose fully to the Board the information obtained in the course of the investigation, and, pursuant to La. Rev. Stat. § 49:955D, consents to entry of the order set forth hereinafter.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955D;

IT IS ORDERED that Arnold R. DeMarco, M.D. be, and he is hereby, reprimanded for his described substandard conduct in the practice of medicine; and

IT IS FURTHER ORDERED that the continuing effectiveness of the license of Arnold R. DeMarco, M.D. to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 02092R, shall be subject to and conditioned upon his acceptance of and strict compliance with the followings terms, conditions and restrictions:

(a) *Restriction on Surgical Procedures.* Dr. DeMarco shall not, until this Order is rescinded or modified by the Board, perform in the state of Louisiana any elective surgical procedure on any child less than 10 years in age; and

(b) *Notice to and Appearance Before Board.* Dr. DeMarco shall, prior to undertaking to engage in the practice of medicine in any form in the state of Louisiana, provide the Board with not less than 90 days prior written notice of his intent to do so, schedule and make a personal appearance before the Board at a regular or special meeting of the Board, and secure the approval of the Board with respect to the nature of his proposed practice in the state of Louisiana; and

(c) *Compliance with Arizona , New Jersey Orders.* Dr. DeMarco shall strictly observe and comply with the mandates, terms, conditions and restrictions ordered by the Arizona Board of Medical Examiners in its Order of January 9, 1985 and by the New Jersey Board of Medical Examiners in its Final Order of August 17, 1985, until and unless such orders are rescinded or modified by such boards.

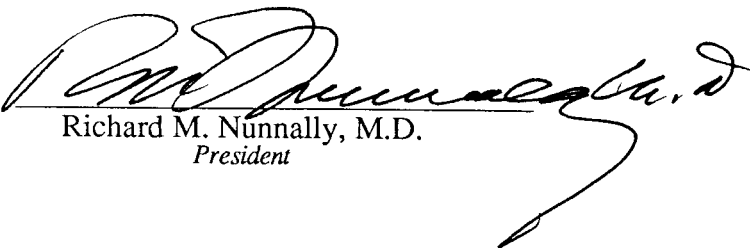
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IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions of this Order by Dr. DeMarco shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation of Dr. DeMarco's license to practice medicine in the state of Louisiana.

New Orleans, Louisiana, this 9th day of May, 1988.

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS


By:



Richard M. Nunnally, M.D.
President

**CONSENT TO
ORDER**

I, ARNOLD R. DEMARCO, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 22nd day of March, 1988.

Witness:


Nathan W. Groce, M.D.


Arnold R. DeMarco, M.D.