

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Thomas D'Amato, M.D.

Petition No. 2015-392

CONSENT ORDER

WHEREAS, Thomas D'Amato of Bayonne, New Jersey (hereinafter "respondent") has been issued license number 046506 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or about March 2, 2015, the New York State Board for Professional Medical Conduct (hereinafter "the New York Board") issued a Consent Order approving a Consent Agreement that respondent entered into with the New York State Department of Health in case number 15-050 (hereinafter "New York Consent Order"). As a result, respondent's New York license was placed on probation, with terms including continuing education in medical ethics.
2. The New York Consent Order was premised on allegations that respondent, in or around March 2010, willfully made or filed false reports with respect to two patients without having performed appropriate psychiatric evaluations on them; and on or about April 9, 2011, willfully made or filed a false report when he answered "no" to a question on his New York license renewal concerning any resignation of hospital privileges when respondent had, in fact, resigned his privileges and/or employment at a New York hospital the previous year.
3. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17(f) and/or 20-13c, including, but not limited to:
 - a. §20-13c(4); and/or
 - b. §20-13c(6).

WHEREAS, respondent does not currently reside and/or practice medicine in the State of Connecticut; and

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board (hereinafter "the Board", this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives his right to a hearing on the merits of this matter.
2. Respondent's license number 046506 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent's license is restricted under the following terms and conditions:
 - a. If respondent intends to commence the practice of medicine in Connecticut, respondent shall give written notice to the Department no less than ninety (90) days before the commencement of said Connecticut practice. At the time respondent provides said written notice to the Department, respondent shall cause the New York Board to provide the Department with any and all monitoring and/or supervisor reports or reviews prepared in connection with respondent's New York Consent Order. Respondent shall not commence said practice in Connecticut prior to the Connecticut Medical Examining Board's acceptance and

approval of an order with any additional monitoring terms and practice restrictions as may be deemed appropriate.

- b. The New York Board shall provide immediate notice to the Department in the event respondent violates any terms of the New York Consent Order and/or in the event any further disciplinary action is taken against respondent's New York license. Any violation of the New York Consent Order shall be deemed to be a violation of this Consent Order. The New York Board shall notify the Department when respondent successfully completes the terms of the New York Consent Order.
4. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
 5. Respondent shall pay all costs necessary to comply with this Consent Order.
 6. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 6a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
7. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
8. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
9. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
10. Respondent understands this Consent Order shall be deemed a public document and the above admitted violations shall be deemed true in any proceeding before the Board in which his compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank maintained by the United States Department of Health and Human Services, and that all disciplinary actions will appear on his physician profile pursuant to Connecticut General Statutes 20-13j.

11. In the event respondent violates paragraph 3 of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon in Connecticut, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation, and to submit to and complete a medical, psychiatric or psychological evaluation, if requested to do so by the Department; and, that the results of the evaluation shall be submitted directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of respondent's Connecticut license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes, sections 4-182(c) and 19a-17(c). The Department and respondent understand that the Board has complete and final discretion as to whether a summary suspension is ordered.
12. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
13. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent

assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.

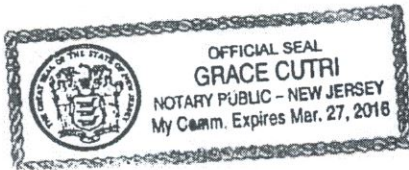
14. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
15. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
16. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
17. Respondent has the right to consult with an attorney prior to signing this document.

18. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
19. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Thomas D'Amato, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Thomas D'Amato, M.D.
Thomas D'Amato, M.D.

Subscribed and sworn to before me this 15 day of March 2016.



Grace Cutri
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 29th day of March 2016, it is hereby accepted.

Christian D. Andresen
~~Matthew Bulwark, RN, Public Health Services Manager~~
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch
Christian D. Andresen, Section Chief

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 21st day of June 2016, it is hereby ordered and accepted.

Kenneth [Signature]
Connecticut Medical Examining Board