

BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE

IN RE: JOSE R. CAPIRO, M.D.

)

Case No. 10-66-04

ORDER

WHEREAS, the Board of Medical Practice has reviewed this matter and hereby approves the Agreement of the parties, and enters it now as an Order of the Board.

IT IS SO ORDERED this 2nd day of October, 2007.

Constantinos

Vincent J. Pappas

John W. Banks

Oliver S. Lee

Lindsey M. Statum

William M. Policastro

George E. Brown

Robert J. Taylor

Vance G. Brown

Raymond L. Moore, Jr.

James R. Jawa, MD

Chad

BEFORE THE DELAWARE BOARD OF MEDICAL PRACTICE

IN RE: JOSE R. CAPIRO, M.D.) Case No. 10-66-04

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware Board of Medical Practice ("Board") alleging that Jose R. Capiro, M.D, ("Respondent"), the holder of a certificate to practice medicine issued by the Board, engaged in conduct that constituted grounds for discipline pursuant to Delaware's *Medical Practice Act*. (24 *Del.C.* Ch. 17)

The State of Delaware and Respondent submit this Consent Agreement for approval by the Board as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 *Del.C.* § 1731. The parties submit the following for the Board's consideration:

1. RESPONDENT'S VIOLATIONS OF LAW

- A. Respondent is a Delaware physician, license number C1-0003516.
- B. In October 2004, a complaint was filed by Respondent's former patient who alleged that Respondent engaged in inappropriate and unprofessional conduct.
- C. Respondent mismanaged the patient's transference issues.
- D. Respondent's conduct in mismanaging the patient's transference issues was unprofessional and constituted misconduct in the practice of medicine in violation of 24 *Del.C.* § 1731(b)(11).
- E. Pursuant to 24 *Del. C.* § 1731, the Board of Medical Practice may impose sanctions or take action upon a finding that a licensee is guilty of unprofessional conduct.

2. RESPONDENT'S KNOWLEDGE OF FACTS AND VIOLATIONS OF LAW

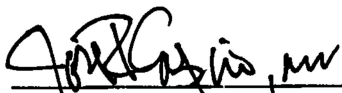
Respondent admits that the factual allegations set forth in Paragraphs 1.A through 1.E above are true and accurate and that his conduct violated the provisions of 24 *Del.C.* § 1731(b)(11).

3. DISCIPLINARY SANCTIONS, TERMS AND CONDITIONS

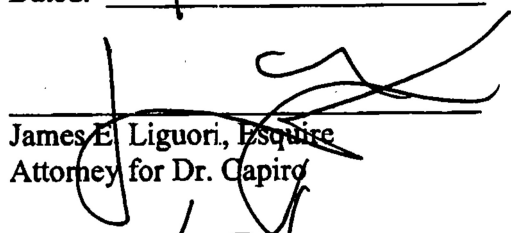
The State of Delaware and Respondent agree to the imposition of disciplinary sanctions by the Board and to be bound by the terms and conditions as follows:

ORDERED AND AGREED:


1. Within six months from the date this Consent Agreement is approved by the Board, Respondent shall complete 12 continuing medical education credit hours in courses accredited by the American Medical Association concerning transference issues.
2. Respondent further agrees and acknowledges that in the event the Board determines not to accept this Consent Agreement, neither he nor anyone on his behalf will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint on the basis of the Board's prior consideration of this proposed Consent Agreement.
3. This Consent Agreement shall be effective as an Order of the Board after execution by the Respondent and the undersigned Deputy Attorney General for the State upon approval by the Board of Medical Practice.


Jose R. Capiro, M.D.
Respondent

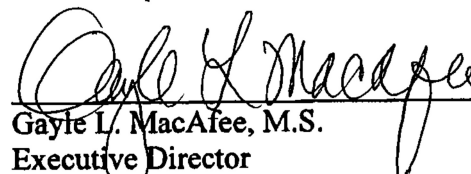
Dated: 9/28/07


James E. Liguori, Esquire
Attorney for Dr. Capiro

Dated: 9/28/07


Barbara J. Gadbois (I.D. No. 2544)
Deputy Attorney General
State of Delaware

Dated: 9-28-07


Gayle L. MacAfee, M.S.
Executive Director
Delaware Board of Medical Practice

Dated: 9-28-07