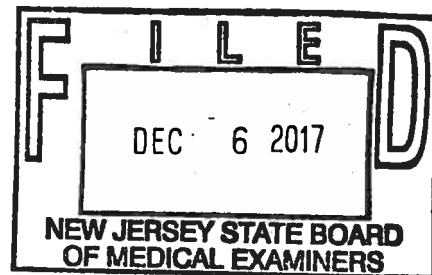


CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101



By: David M. Puteska
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS &
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE AND
NEW JERSEY CDS REGISTRATION OF

JAMES COWAN, JR., M.D.
LICENSE NO. 25MA02575900
CDS REG. NO. D05993500

Administrative Action
FINAL CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") and the Director of the New Jersey Division of Consumer Affairs (the "Director") on or about May 5, 2016; upon receipt of information that James Cowan, Jr., License No. 25MA02575900, NJ CDS Registration No. D05993500 ("Respondent") was engaged in the aiding and abetting of the unlicensed practice of medicine in violation of N.J.S.A. 45:1-21(n), the indiscriminate prescribing of Controlled Dangerous Substances ("CDS") under N.J.S.A. 45:1-21(m) and the prescribing of CDS in the usual course of professional practice without legitimate medical purpose in violation of N.J.A.C. 13:45H-7.4 which provided the basis under N.J.S.A. 24:21-12(a)(3) for the Director to suspend or revoke Respondent's NJ CDS registration and

CERTIFIED TRUE COPY

provided the basis under N.J.S.A. 45:1-21 for the Board to suspend or revoke the Respondent's NJ Medical license.

The information provided to the Board and Director includes evidence that on or about March 7, 2016, Respondent became unable to practice medicine due to various medical conditions. From March 7, 2016 to May 6, 2016 Respondent was either hospitalized or in a nursing care facility. Despite these physical and medical limitations, Respondent authorized the use of pre-signed prescription pads by an individual who was not licensed to practice medicine. Prescriptions on Respondent's prescription pads were utilized by the unlicensed individual to prescribe CDS, including but not limited to Schedule II medications, to numerous patients at Respondent's Ridgewood, New Jersey medical office.

On May 6, 2016, the Director issued an Order to Show Cause why Respondent's CDS Registration should not be temporarily suspended. A copy of that Order is attached hereto as Exhibit 1 and incorporated by reference. Pursuant to the Director's authority under N.J.S.A. 24:21-12(d), the Order simultaneously suspended Respondent's New Jersey CDS Registration.

On June 13, 2016, Respondent agreed to an Interim Consent Order which temporarily suspended his New Jersey Medical License and CDS Registration.

As detailed more fully in Exhibit 1, the evidence obtained by the Board and Director reveals that Respondent, either directly or by an unlicensed individual with his authorization, failed to comply with the provisions of an act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h) (specifically, failure to prepare an accurate patient record in violation of N.J.A.C. 13:35-6.5; failure to perform an appropriate history, physical examination, make a diagnosis, and formulate a treatment plan prior to issuing a prescription in violation of

N.J.A.C. 13:35-7.1A; and failure to comply with certain limitations on prescribing controlled substances in violation of N.J.A.C. 13:35-7.6 (including, but not limited to, the taking of a complete medical history, performance of a physical examination and a recordation of the frequency and severity of any pain)). This conduct also constitutes the prescribing of CDS and/or human growth hormone without legitimate medical purpose in violation of N.J.A.C. 13:45H-7.4 and/or N.J.A.C. 13:35-7.9 *et. seq.* which provides basis under N.J.S.A. 24:21-12(a)(3) for the Director to suspend or revoke Respondent's New Jersey CDS Registration.

On November 30, 2017, Respondent plead guilty to the illegal distribution of Adderall in violation of N.J.S.A. 2C:35-5(a)(1) & (b)(13). This guilty plea also provides the Board the basis upon which to revoke Respondent's medical license under N.J.S.A. 45:1-21(f) as he has been convicted of, or engaged in, acts constituting a crime involving moral turpitude and which relate adversely to the activity regulated by the Board.

The parties being desirous of resolving this matter and the Director and the Board being satisfied that entry of the within Order obviates the need for formal proceedings, and being further satisfied that the within order is adequately protective of the public health, safety and welfare, and that good cause exists to support entry of the within order:

IT IS, therefore, on this 6th day of December 2017,

ORDERED:

1. The New Jersey Medical License and CDS Registration of Respondent, James Cowen, Jr., M.D., are permanently revoked. Such revocations shall be with prejudice and Respondent shall not re-apply for his license to practice medicine and surgery or his CDS Registration at any future time.

2. If he has not already done so, Respondent shall immediately return his original New Jersey Medical License and CDS registration to the New Jersey Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.
3. Respondent shall notify the Federal Drug Enforcement Administration of the within Order and provide proof of such notification to the Board.
4. Respondent shall not enter the premises of his former medical practice during business hours when patients may be present.
5. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey.
6. Respondent shall continue to cease and desist all patient contact at any location and the rendering of medical care, including the issuance of any prescriptions for, or dispensation of, medications of any kind, including but not limited to Controlled Dangerous Substances.
7. Respondent shall not charge, receive or share in any fee for professional services rendered by others. Respondent shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to the date that his temporary suspension became effective under the Interim Consent Order.
8. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Within ten days of the filing of this Consent Order, Respondent is to notify William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 as to where his patient records are secured, and how patients may obtain them.

9. Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of medicine.


10. The parties stipulate that entry of this Order is without prejudice to further action or investigation, by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondents' conduct prior to the entry of this Order.

11. The "Directives Applicable to Any Medical Board Licensee Who is Disciplined or Whose Surrender of Licensure or Cessation of Practice Has Been Ordered or Agreed Upon," is attached hereto as Exhibit 2 and incorporated by reference.

12. Failure to comply with any provision of this Order will result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS


By:


Barbara Lopez, PA-C
Board Secretary

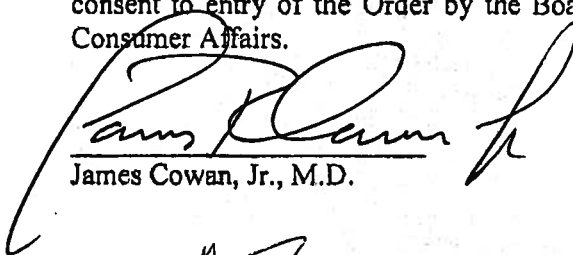
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NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By:


Sharon M. Joyce,
Acting Director

I have read the within Order, understand its terms and agree to be bound by them. I consent to entry of the Order by the Board of Medical Examiners and the Division of Consumer Affairs.


James Cowan, Jr., M.D.

Date: 11-30-17

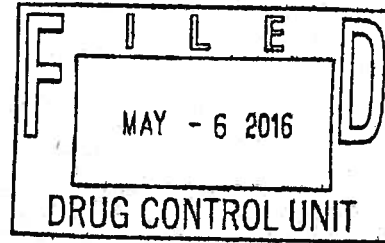
~~Consented as to form and entry.~~


Robert T. Pickett, Esq.
Counsel to Respondent

Date: 11-30-17

EXHIBIT 1

ROBERT LOUGY
ACTING ATTORNEY GENERAL OF NEW JERSEY
P.O. Box 45029
124 Halsey Street, Fifth Floor
Newark, NJ 07101



By: David M. Puteska
Deputy Attorney General
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Attorney Id. No. 301995

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE NEW JERSEY : CDS REGISTRATION ISSUED TO :	Administrative Action
JAMES COWAN, JR. : N.J. CDS REG. No. DO5993500 :	ORDER TO SHOW CAUSE WHY CDS REGISTRATION SHOULD NOT BE TEMPORARILY SUSPENDED AND FOR SIMULTANEOUS SUSPENSION OF CDS REGISTRATION

This matter was opened to Steve Lee, Acting Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing of Controlled Dangerous Substances ("CDS") as set forth in N.J.S.A. 24:21-1 et. seq. and is based upon his receipt and review of information on which the following preliminary findings of fact and conclusions of law are made.

James Cowan, Jr. ("Respondent") is a physician licensed to practice medicine by the New Jersey State Board of Medical Examiners (the "Board"). Respondent also maintains a registration to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the "Division") pursuant to N.J.S.A. 24:21-10 under registration number D05993500. At all times relevant hereto, Respondent maintained a psychiatric practice in his home located in Ridgewood, New Jersey.

On May 5, 2016, Investigators with the Division's Enforcement Bureau, in concert with the Bergen County Prosecutor's Office, conducted an inspection of Respondent's Ridgewood medical office. The investigators interviewed Maryanne L. Cowan, L.C.S.W., the wife of Respondent. Ms. Cowan conveyed to the investigators that due to ongoing medical problems her husband has been a patient in either a hospital or nursing care facility since March 7, 2016.

Ms. Cowan admitted that she had written and provided CDS prescriptions for numerous patients while the Respondent has been hospitalized. She began by stating that she would only issue one prescription to these patients and that the patients were told to find another doctor. When confronted with statements from patients that they in fact received several prescriptions, she admitted that this had occurred and that she had been trying to help the patients. She further admitted that her husband was aware of her prescribing and had provided her with pre-signed New Jersey prescription blanks ("NJPB") for this purpose.

During the course of the inspection, a patient by the name of P.M. presented to the office with the intention of being seen, evaluated and prescribed by Mrs. Cowan at 2:00 pm. P.M. told the investigators that he had been referred to Respondent by a friend, to obtain prescriptions for Xanax and Adderall. He had made an appointment in February 2016 to be seen by the Respondent. When he arrived, he was seen by Mrs. Cowan only. She asked him a few questions about his prior medication history and provided him with two (2) prescriptions for Xanax 2mg #60 with directions to take one tablet twice a day, and a prescription for Adderall 20mg #60 with directions to take one tablet twice a day. P.M. saw the Respondent in the office that day but was never evaluated by him and did not have any discussion with him. P.M. then returned again in March and obtained the same set of prescriptions. He stated that he paid a fee of \$200.00 cash for each visit.

Investigators also interviewed Respondent's office manager, Evelyn Ferraro. Ms. Ferraro worked for the practice for approximately one year. Ms. Ferraro stated that she believed a lot of Respondent's patients exhibited drug seeking behavior. She stated that she would ask both the Respondent and his wife to discharge patients and she has asked patients to leave the office herself. She stated that some of the patients would become aggressive and would not stay in the basement office area. Also some patients would wander to the private upstairs bedroom area to find the Respondent or his wife rather than wait to be seen. Several patients made threats to "expose" what was going on in the office. One patient stated that "she owned the practice" and Ms. Ferraro believed it was that patient that returned one evening to break into and ransack the garage area of the Respondent's residence. Ms. Ferraro believed that the Respondent and his wife had befriended several of the patients and have allowed them to stay in their home from time to time to help them out.

Ms. Ferraro revealed that prescriptions for CDS would be left out in the front mailbox on the porch in sealed envelopes marked with the patient's name. This would assist the patient in obtaining the prescription if they missed their appointment or if it were after hours.

Ms. Ferraro admitted that she visited the Respondent that morning, May 5, 2016, at the Care One Rehabilitation facility in Paramus, New Jersey. She was asked by the Respondent to bring the medical records and paperwork for the patients that were scheduled to be seen by Ms. Cowan on Friday, May 6, 2016. He also asked Ms. Ferraro to bring back to the office some of his pre signed NJPBs. Ms. Ferraro stated that six (6) records were reviewed by Dr. Cowan and each medical record had NJPBs filled out in the patient name dated May 5, 2016.

Investigators visited Respondent at the Care One Rehabilitation facility. Respondent consented to being interviewed with his counsel, Donald Bonomo, Esq., participating via speaker phone. Respondent admitted that he pre-signed his NJPBs and allowed his wife, Maryanne Cowan, to medically evaluate and prescribe CDS to his patients. He believed that after being married for thirty (30) years he had taught her everything she needed to know to be able to medically treat the patients with his consent. He stated that he and his wife would most often consult with one another but he is aware that she had provided prescriptions and care without his knowledge at the time. He believed that her license as a clinical social worker and her experience was adequate to provide care to the patients that presented to the office.

Respondent was aware that all patients were charged a fee for the prescriptions and that the fee would change based upon the ability of the individual to pay. He revealed that his home had been broken into several times and that NJPBs had been stolen.¹ Insurance has been billed for services rendered by both Mrs. Cowan and the Respondent.

Respondent stated that he provided his patients with mental status examinations to determine if they were depressed, suicidal or anxious. He stated that he documented his findings on the progress sheet maintained in the medical record. The medical record of N.M. obtained from his office was reviewed with the Respondent. He stated that he had authorized two (2) prescriptions for this patient dated 5/5/16 for Xanax and Adderall. The demographic sheet was blank and no progress notes were noted in the record. There were two (2) brief notations but the record failed to document any medical examination or medical necessity for the medications provided. The Respondent reviewed an additional five (5) patient names and admitted that he authorized prescriptions for CDS without the benefit of a medical examination.

¹An inquiry to the Division's Drug Control Unit revealed no report of lost or stolen prescriptions filed by Respondent as required by N.J.A.C. 13:45A-27.4(d).

Investigators reviewed multiple patient records maintained by Respondent. A majority of these records failed to document medical necessity for the medications prescribed. The records also failed to have any explanation or documentation for any treatment provided. The records also did not maintain past medical history, prior testing or documentation of any referrals for additional modalities. In some records the basic demographic information sheets were completely blank.

N.J.A.C. 13:45H-7.4(a) requires that all prescriptions for CDS be issued only for legitimate medical purposes by a practitioner acting in the usual course of his professional practice. Respondent's conduct, as detailed above, reflects that he repeatedly issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice.

Respondent's admission that he issued CDS prescriptions for non-legitimate medical purposes constitutes a violation of N.J.A.C. 13:45H-7.4(a) and thus provides grounds for the temporary suspension of his New Jersey CDS Registration pursuant to N.J.S.A. 24:21-12(a)(3).

N.J.S.A. 24:21-12(d) authorizes the Director to simultaneously suspend a CDS Registration along with the issuance of an Order to Show Cause when he finds that there is imminent danger to the public health or safety.

Pursuant to the above information; the Director's authority under N.J.S.A. 24:21-12; and for good cause shown:

IT IS ON THIS 6th day of May, 2016 ORDERED that

1. The Respondent, either in person or by attorney, shall show cause before the Director of the New Jersey Division of Consumer Affairs, on June 15, 2016 at 11:00 a.m. or as soon thereafter as the parties may be heard, at the New Jersey Division of Consumer Affairs, 124

Halsey Street, 7th Floor, Newark, New Jersey 07101, why an Order should not be entered temporarily suspending his New Jersey CDS Registration pursuant to N.J.S.A. 24:21-12;

2. Pursuant to N.J.S.A. 24:21-12(d), having found that continued CDS prescribing by Respondent would constitute an imminent harm to the public health or safety, his New Jersey CDS Registration, D05993500, is suspended effective immediately and shall remain suspended pending the return date on this Order to Show Cause or further order of the Director.

3. Pursuant to N.J.S.A. 24:21-12(e), that Respondent shall immediately arrange with the Division's Enforcement Bureau to deliver, for placement under seal, all prescription pads and any and all CDS in his possession, except for any CDS Respondent possesses for personal use pursuant to a duly issued prescription. Respondent's prescription pads and CDS shall remain under seal until such time as a final order which includes the disposition of these sealed items is entered by the Director in this matter.

4. Pursuant to N.J.S.A. 24:21-12(f), a copy of this Order Show Cause shall be transmitted to the Drug Enforcement Administration.

5. That a copy of this Order be served upon Respondent or his attorney forthwith;

6. That Respondent shall file a response five (5) business days prior to the return date set forth above, stating in writing any and all reasons why the temporary suspension of his CDS Registration should not occur including any arguments in mitigation and all documents or other written evidence supporting Respondent's position; said response should be delivered to Steve Lee, Acting Director, New Jersey Division of Consumer Affairs, 124 Halsey Street, 7th Floor, P.O. Box 45029, with a copy delivered on that same date and time to David M. Puteska, Deputy Attorney General, Division of Law, 124 Halsey Street, 5th Floor, P.O. Box 45029, Newark, New Jersey 07101; and

7. That failure to respond to this Order to Show Cause or failure to appear before the Director in person or through an attorney, as is herein required, may result in this matter being considered in Respondent's absence and an Order may be entered against Respondent temporarily suspending his New Jersey CDS Registration.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS


By: 
Howard Pine, Deputy Director on behalf of
Acting Director Steve Lee

EXHIBIT 2

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
OR CESSATION OF PRACTICE HAS BEEN ORDERED OR AGREED UPON**

APPROVED BY THE BOARD ON AUGUST 12, 2015

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply when a licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board).

Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration).

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension, surrender or cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. In situations where the licensee has been subject to the

order for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is (suspended), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee subject to the order shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice.¹ The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board order.

This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended or who is ordered to cease practice for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following the entry of the order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that (during the three (3) month period) immediately following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. If the licensee has a website, a notice shall be posted on the website as well.

At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

6. Payment of Civil and Criminal Penalties and Costs.

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be

subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS**

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website.

See <http://www.njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A. 45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.