BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	
Francis Gerard Rienzo, M.D.	**Case No. 800-2021-082911**
Physician's and Surgeon's Certificate No. C 173915	
Respondent.	

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 14, 2022.

IT IS SO ORDERED September 7, 2022.

MEDICAL BOARD OF CALIFORNIA

William Prasifka
Executive Director

ROB BONTA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **FRANCIS GERARD RIENZO, M.D.** 2164 Highway 35 Sea Girt, NJ 08750-1013 Physician's and Surgeon's Certificate No. C 173915 Respondent.	Case No. 800-2021-082911 **STIPULATED SURRENDER OF LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy Attorney General.

2. Francis Gerard Rienzo, M.D. (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On July 21, 2021, the Board issued Physician's and Surgeon's Certificate No.

C 173915 to Francis Gerard Rienzo, M.D. The Physician's and Surgeon's Certificate will expire on July 31, 2023, and is suspended by virtue of an Order issued by the Board on march 15, 2022 pursuant to Business and Professions Code section 2310.

JURISDICTION

4. Accusation No. 800-2021-082911 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 4, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2021-082911 is attached as Exhibit A.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 800-2021-082911. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 800-2021-082911, agrees that cause exists for discipline and hereby surrenders his Physician's and Surgeon's Certificate No. C 173915 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 173915, issued to Respondent Francis Gerard Rienzo, M.D., is surrendered and accepted by the Board.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must

comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2021-082911 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $1,436.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2021-082911 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 6/14/2022

FRANCIS GERARD RIENZO, M.D.
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: 6/14/2022

Respectfully submitted,

ROB BONTA
Attorney General of California

Jane Zack Simon

JANE ZACK SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2021-082911

ROB BONTA
Attorney General of California
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Supervising Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **FRANCIS GERARD RIENZO, M.D.** **2164 Highway 35** **Sea Girt, NJ 08750-1013** **Physician's and Surgeon's Certificate No. C 173915,** Respondent.	Case No. 800-2021-082911 **ACCUSATION**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On July 21, 2021, the Board issued Physician's and Surgeon's Certificate No C 173915 to Francis Gerard Rienzo, M.D. (Respondent). The certificate is renewed and current, with an expiration date of July 31, 2023; however, the certificate is SUSPENDED by virtue of an Order issued by the Board on March 15, 2022, pursuant to Business and Professions Code section 2310.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

> "(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.
>
> "(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

D. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting

the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Other Jurisdictions)

4. On October 27, 2021 the New Jersey State Board of Medical Examiners issued a Consent Order regarding Respondent's license to practice in New Jersey. The Consent Order was issued in response to information that Respondent, a board-certified internist with a specialty in addiction medicine, allegedly engaged in inappropriate sexual conduct with a female patient. Respondent admitted treating the patient for substance abuse from August 2017 to February 2018, and admitted to one instance of an inappropriate sexual interaction while she was his patient. Records revealed that Respondent prescribed controlled substances to the patient during his treatment. Under the terms of the Consent Order, Respondent's New Jersey license was suspended for three years, with two years served as an actual suspension and the remainder stayed and served as a period of probation. After two years of suspension, Respondent may petition the New Jersey Board for reinstatement of his license, upon demonstration that he has successfully completed courses in recordkeeping, boundaries and ethics. In the event Respondent's New Jersey license is reinstated, he must have an approved chaperone present for all female patients. A copy of the Consent Order issued by the New Jersey State Board of Medical Examiners is attached as Exhibit A

5. Respondent's conduct and the action of the New Jersey State Board of Medical Examiners, as set forth above, constitute cause for discipline pursuant to sections 2305 and/or 141 of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 173915, issued to Respondent Francis Gerard Rienzo, M.D.;

2. Revoking, suspending or denying approval of Respondent Francis Gerard Rienzo, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent Francis Gerard Rienzo, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: APR 04 2022

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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FILED
OCT 27 2021
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
Effective Date: December 17, 2021

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 OF	Administrative Action
FRANCIS RIENZO, M.D. LICENSE NO. 25MA05645100	**CONSENT ORDER**
TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon information that Francis Rienzo, M.D. ("Respondent"), a Board-Certified Internist with a specialty in addiction medicine, allegedly engaged in inappropriate sexual contact with J.D., a 44-year old female patient.

On November 7, 2018, Respondent appeared before a Preliminary Evaluation Committee of the Board to discuss the inappropriate sexual contact allegations and his general practice of medicine. Respondent admitted to treating J.D. for substance abuse from August 2017 to February 2018. Respondent further admitted to one instance of an "inappropriate" and "sexual interaction" with J.D. while she was a patient.

CERTIFIED TRUE COPY

A review of Respondent's two-page handwritten medical record for his treatment of J.D. revealed that, in addition to prescribing Suboxone, Respondent routinely prescribed J.D. potentially addictive medications including Xanax and appetite suppressants.

If proven, Respondent's inappropriate sexual contact and questionable prescribing practices with J.D. constitute gross or repeated malpractice in violation of N.J.S.A. 45:1-21(c) and (d); professional misconduct in violation of N.J.S.A. 45:1-21(e); a violation or failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h), specifically, engaging in sexual contact with a patient in violation of N.J.A.C. 13:35-6.3, failure to maintain an adequate patient record in violation of N.J.A.C. 13:35-6.5, and failure to perform an appropriate patient examination, including diagnostic testing, treatment plan, prior to issuing a prescription in violation of N.J.A.C. 13:25-7.1A, and/or the failure to be of good moral character as required for licensing as a physician pursuant to N.J.S.A. 45:9-6. Although Respondent admits to the inappropriate sexual contact with J.D., he denies the remainder of the statutory and regulatory violations alleged in this Order.

The parties being desirous of resolving this matter without the necessity of further proceedings, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same and has

availed himself of the advice of counsel, and the Board finding that the within Order is adequately protective of the public health, safety, and welfare; and it appearing that good cause exists for entry of the within Order;

IT IS, therefore, on this 27th day of October, 2021, ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby suspended for a period of three years, with two years served as an active period of suspension and the remainder stayed and served as a period of probation. The period of active suspension will begin on December 17, 2021.

2. In order to allow adequate time for the transfer of care of Respondent's patients, Respondent shall be afforded a "wind-down" period until December 17, 2021. Respondent shall not accept any new patients during this "wind-down" period and shall ensure that arrangements are made for the orderly transfer of the care of current patients to New Jersey licensed physicians, and that patients have access to their patient records pursuant to the requirements of N.J.A.C. 13:35-6.5(h).

3. Respondent's period of active suspension will be tolled for any length of time that Respondent practices medicine in another jurisdiction. No day in which Respondent practices medicine in any jurisdiction will count towards the period of active suspension set

forth in this Order.

4. Respondent may petition the Board for reinstatement of his license after two years of active license suspension. At that time, Respondent will be required to appear before a Committee of the Board to demonstrate fitness to resume medical practice. At a minimum, Respondent shall provide the Board with proof that he has successfully completed courses in (i) recordkeeping, (ii) boundaries and (iii) ethics. "Successful completion" means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. The required coursework is in addition to the regularly required continuing education hours and will not be counted towards satisfying Continuing Medical Education obligations. Respondent has fulfilled his ethics course requirement by taking the ProBe course in 2020.

5. In the event Respondent's license is reinstated in the future, Respondent must have a Board-approved chaperone present whenever Respondent is in the presence of or provides any treatment to any female patient for any reason. The chaperone must take an on-line chaperone course pre-approved by the Medical Director of the Board. Respondent shall ensure compliance with the Uniform Requirements Pertaining to Chaperone Approval and Utilization.

6. Respondent is hereby assessed a civil penalty in the amount of $25,000 and costs, including investigative costs, expert

costs, and attorney's fees, in the amount of $60,856.68. A Certificate of Debt reflecting the total aggregate of $85,856.68 currently due and owing shall be filed pursuant to N.J.S.A. 45:1-24 to protect the judgment. The payment will be due within forty-five days of the filing of this Order or in monthly installments in the amount of $1,788.68 for 48 months beginning on November 1, 2021. Payments postmarked on the due dates shall be deemed timely. All payments shall be made by certified bank check, certified check, wire transfer, credit card or money order, payable to the State of New Jersey and forwarded to the attention of Antonia Winstead, Executive Director, Board of Medical Examiners, 140 East Front Street, 2nd Floor, Trenton, New Jersey 08608. Any other form of payment will be rejected and returned to the Respondent.

7. Effective December 17, 2021, Respondent shall 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.

8. Effective December 17, 2021, Respondent shall not enter the premises of his medical practice during business hours when patients may be present.

9. Effective December 17, 2021, Respondent shall not charge, receive or share in any fee for professional services rendered by others. Respondent shall be permitted to accept accounts receivable

with respect to professional services rendered prior to December 10, 2021.

10. 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 Order, Respondent is to notify Antonia Winstead, 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.

11. On or before December 17, 2021, Respondent shall send all of his remaining prescription blanks, along with a cover memorandum indicating that he will no longer be writing prescriptions and asking that his prescription blanks be destroyed pursuant to standard operating procedures, to Dana Pulizzano, Acting Executive Director, Drug Control Unit, P.O. Box 45045, Newark, NJ 07101.

12. As of December 17, 2021, Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of medicine.

13. Effective December 17, 2021, Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities in the State of New Jersey until such time that all the terms of the within Order have been met to the satisfaction of the Board.

14. On or before December 17, 2021, Respondent shall return his original New Jersey license to practice medicine and CDS

Registration to Antonia Winstead, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625.

15. On or before December 17, 2021, Respondent shall advise the Drug Enforcement Administration ("DEA") of this Order and provide the Board within five days of proof of said notification to the DEA.

16. Respondent shall comply with 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 which are attached hereto and incorporated herein.

17. 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.

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

STATE BOARD OF MEDICAL EXAMINERS

BY: **METZGER, Scott E., M.D.**

Scott E. Metzger, M.D.
Board President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Francis Rienzo

Francis Rienzo, M.D.

10/22/2021

Date

Consent is hereby given as to the form and entry of this Order.

Richard A. West

By: Richard West, Esq.
Attorney for Respondent
Francis Rienzo, M.D.

10/27/21

Date

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.

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[1] 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.