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FILED

April 11, 2011

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

EFFECTIVE

January 1, 2011

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

I/M/O MAURICIO J. SANCHEZ, M.D.
LICENSE NO. 25MA06334400

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Medical Examiners (the "Board") in or about June 2008 upon receipt of information that Mauricio J. Sanchez, M.D. ("Respondent") was engaged in conduct in violation of the rules and/or regulations governing the practice of medicine in the State of New Jersey.

Based upon its investigation, including the sworn testimony by Respondent before a preliminary evaluation committee on February 18, 2009, the Board finds that Respondent engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e) and/or the violation of the regulations governing the practice of medicine in New Jersey, N.J.S.A. 45:1-21(h)(specifically, sexual misconduct pursuant to N.J.A.C. 13:35:6.5(c)). The specific acts which led to this finding include

CERTIFIED TRUE COPY

Respondent's engaging in sexual contact with a patient during ^{a ALS} ~~scheduled~~ medical visits and giving ~~said patient preferential treatment over other patients due to the sexual relationship.~~

The Board and Respondent have agreed to the entry of this Consent Order to resolve this matter. The Board has considered the matter, and finds that the entry of this Order will adequately protect the public interest, and for good cause shown,

IT IS on this 11th day of April, 2011

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in New Jersey is hereby suspended for three (3) years, the first one (1) year of which shall be an active suspension and the remainder to be stayed and served as a period of probation. No credit for the suspension period shall be given for any period of time during which Respondent engages in medical practice in any jurisdiction or state. The period of active suspension shall commence on January 1, 2011.

2. Respondent shall continue to participate with the Professional Assistance Program of New Jersey ("PAP"). Within thirty (30) days prior to his return to active practice, as detailed above, Respondent shall provide to the Board a report from the PAP detailing his continued compliance with the PAP.

3. Upon the expiration of the active term of suspension from practice detailed above, and until further order of the Board, Respondent shall practice medicine under the following conditions:

a. A chaperone (the "Chaperone") shall be present at any time Respondent encounters a female patient at any time during the private practice of medicine. The Chaperone must remain present throughout the encounters and must remain in a position so as to have a clear line of sight

to the patients. The Chaperone shall initial the patient record pertaining to each patient encounter as documentation of the Chaperone's presence;

b. The Chaperone must be a licensed health care professional who holds a valid license issued pursuant to a Chapter of Title 45 of the New Jersey Statutes or a Certified Medical Assistant. Respondent shall, within thirty (30) days prior to his return to active practice, furnish to the Board the full name, home address, telephone number, type of license, and license number of a proposed Chaperone. Respondent shall, within twenty-four hours, inform the Board of any changes in any of the information you provide to the Board with regard to the Chaperone;

c. The Chaperone must be approved, in advance, by the Board. The Board has delegated the authority to approve the Chaperone to the Executive Director of the Board, and the Executive Director's approval of the Chaperone shall be sufficient for purposes of this Consent Order. Any proposed Chaperone must sign a copy of this Consent Order, contact the Executive Director by telephone so that he may inform him/her about the responsibilities of being a Chaperone and acknowledge in a signed letter to the Board that he or she has reviewed and understands the terms of this Consent Order;

d. The approved Chaperone shall promptly report to the Board any occurrence or behavior observed which the Chaperone in good faith believes to have been inappropriate or potentially in violation of this Agreement or Board regulations;

e. The Board may from time to time in its sole discretion consult with the Chaperone for purposes of determining Respondent's compliance with the terms of this Agreement. The Board may delegate to the Attorney General or to the Executive Director the authority to so consult with the Chaperone. Respondent hereby waives any claim of privilege or confidentiality he may have

with regard to any information that the Chaperone may provide, under the provisions of this Consent Order, to the Board, the Attorney General or the Executive Director. Respondent shall take all reasonably necessary actions to assure the cooperation of the Chaperone with the Board, the Attorney General and the Executive Director; and

f. Respondent shall be entirely responsible for any and all costs or expenses associated with use of the Chaperone as required by the terms of this Consent Order. The Board shall have no responsibility whatsoever for any expenses or costs arising from the use of the Chaperone. Moreover, Respondent shall not charge any patient, third-party payor or government benefits program for the use of the Chaperone.

4. Respondent is assessed a civil penalty of \$10,000 pursuant to N.J.S.A. 45:1-25. Respondent shall reimburse the Board for its investigation costs and attorneys fees totaling \$2,000, pursuant to N.J.S.A. 45:1-25(d).

5. Respondent shall pay the total amount of penalties, costs and fees in the amount of \$12,000 to the Board prior to has return to active practice as detailed in paragraph one. Said payment shall be via certified check or money order made payable to the Treasurer, State of New Jersey and forwarded to William Roeder, Executive Director, New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183. The Board reserves the right to file a Certificate of Debt in the event payment is not submitted within the above-referenced time frame.

6. Respondent shall comply with the "Directives" attached hereto as Exhibit A which

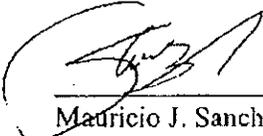
are incorporated herein by reference.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____


Paul T. Jordan, M.D.
President

I have read and understood the within
Consent Order and hereby agree to comply
with the terms.

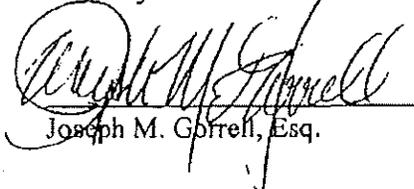

Mauricio J. Sanchez, M.D.

Dated: _____

12/7/10

Consented to as to form:

Brach Eichler, LLC
Attorneys for Dr. Sanchez


Joseph M. Correll, Esq.

Dated: _____

12/7/10

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. 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 license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation 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. 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 or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee 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 suspended 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, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must 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 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. 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 action.

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 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 licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the 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 Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

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 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. 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.

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

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated 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 are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

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