

FILED

July 17, 1990

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

In the Matter of the Suspension :
or Revocation of the License of :
:
JOEL B. GLASS, M.D. :
LICENSE NO. 26292 :
:
To Practice Medicine & Surgery :
in the State of New Jersey :

Administrative Action

FINAL ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") on April 26, 1989, upon the filing of an administrative complaint by Peter N. Perretti, Jr., Attorney General of New Jersey, by Paul R. Kenny, Deputy Attorney General. Therein, complainant alleged that, on or about December 24, 1984, respondent Dr. Joel B. Glass had been charged in the Superior Court of New Jersey, by way of a six count indictment, with one count of conspiracy in the third degree, pursuant to N.J.S.A. 2C:5-2 and with five counts of Medicaid fraud, in the third degree, in violation of N.J.S.A. 30:4D-17(A) and N.J.S.A. 2C:2-6. Thereafter, on or about July 27, 1988, Dr. Glass entered a plea of guilty to one count of Medicaid fraud (Count Four of the indictment), in violation of N.J.S.A. 30:4D-17 (A) and N.J.S.A. 2C:2-6, whereupon the other counts of the indictment were dismissed. On or about December 2, 1988, respondent was sentenced to three years probation, to perform 300 hours of community service, to pay restitution in the amount of \$70,000.00

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and to pay \$25 to the Violent Crimes Compensation Board. Complainant alleged that Dr. Glass' conviction provided grounds upon which the Board could revoke or suspend respondent's license pursuant to N.J.S.A. 45:1-21(f) (conviction of a crime of moral turpitude and a crime relating adversely to the practice of medicine) and N.J.S.A. 45:9-16(c) (conviction of a crime involving moral turpitude) and that the facts established by the conviction independently provided grounds for disciplinary sanction pursuant to N.J.S.A. 45:1-21(b) (the use or employment of dishonesty, deception, misrepresentation, false promise or false pretense) and N.J.S.A. 45:1-21(e) (professional misconduct).

Respondent filed an answer to the complaint on May 8, 1989, wherein he admitted all factual allegations within the complaint. Based upon that answer, a hearing limited in scope to presentation of evidence and arguments in mitigation of penalty was held before the Board on May 9, 1990. Complainant was represented at said hearing by Paul R. Kenny, Deputy Attorney General, and respondent appeared represented by M.W. Pinsky, Esq. Prior to the hearing, the Board received and reviewed a packet of letters written on behalf of Dr. Glass (some of which had been written to Judge Steinberg in the criminal action and the remainder of which were addressed directly to the Board), which letters were all written by individuals aware that Dr. Glass had pled guilty to Medicaid fraud and which letters uniformly praised Dr. Glass.

At the May 9, 1990 hearing, the following documents were

received into evidence:

P-1: certified true copy of the Judgment of Conviction dated December 2, 1988.

P-2: Copy of Count Four of the indictment in State of New Jersey v. Joel B. Glass, M.D. and Edward Teitelman, M.D. charging Dr. Glass with knowingly and willfully filing and causing to be filed with the New Jersey Division of Medical Assistance and Health Services false statements and representations, that is, claims for reimbursement which falsely stated that Joel B. Glass, M.D., provided individual psychotherapy sessions to nine identified Medicaid recipients on diverse dates when, in truth and in fact, the psychotherapy sessions were conducted as group sessions.

The evidence before the Board conclusively establishes, and counsel for Dr. Glass so acknowledged, that the alleged statutory violations did occur and that those violations do provide grounds for Board action. In mitigation, counsel for Dr. Glass read into the record the written "statement of reasons" submitted by Judge Steinberg to support his conclusion that a non-custodial sentence was appropriate in this case, and noted that Judge Steinberg had found numerous mitigating factors and circumstances and that Judge Steinberg had concluded that "but for this transgression [Dr. Glass] is a credit to the medical profession". Counsel additionally noted that Dr. Glass had remained in the City of Camden despite losing his Medicaid and Medicare privileges.

Dr. Glass was sworn upon his oath whereupon he stated that he acknowledged his mistakes, and claimed that he has paid in emotional and financial ways and that he has learned from his errors. Dr. Glass then responded to questions posed by members of the Board regarding his current practice and his efforts to comply with the judicial sanctions. Dr. Glass stated that he had

completed approximately 230 hours of the 300 hours of community service which he was ordered to perform and that he had thus far made restitution payments totalling over \$40,000.

Based upon the record before us, we conclude that Dr. Glass did plead guilty to medicaid fraud and that said action provides grounds for this Board to revoke or suspend his license to practice. Based thereon and with recognition of the fraudulent underpinnings of respondent's action, we have concluded that the license of Dr. Glass to practice in the State of New Jersey shall be suspended for a period of three years. Nonetheless, in light of the considerable evidence in mitigation presented, this Board has determined that the entire three year period of suspension may be stayed and served as a period of probation. Further, we have concluded that the suspension shall be effective as of December 2, 1988, the date on which Dr. Glass was sentenced by Judge Steinberg. Dr. Glass shall additionally be required to perform 100 hours of community service; this requirement is imposed in lieu of any monetary fine that we might otherwise assess.

WHEREFORE, it is on this 10 day of July, 1990

ORDERED:

1. The license of respondent Joel B. Glass is hereby suspended for a period of three years, effective December 2, 1988. The entirety of the period of suspension shall be stayed and shall be served as a period of probation so long as Dr. Glass shall comply with all other terms of this Order.

2. Dr. Glass shall hereafter perform 100 hours of community service; said community service shall be completed within one year from the date on which this Order shall be filed. Dr. Glass shall, prior to commencing his community service, advise the Board in writing of his intended community service and shall, upon completing his community service obligation, cause the community service agency to provide to the Board a report attesting that said community service has been provided as ordered herein.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: Michael B. Grossman, D.O.
Michael B. Grossman, D.O.
Board President