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FILED

April 2, 1991

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

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

IN THE MATTER OF

IRA JAY SILVERMAN, D.P.M.  
LICENSE NUMBER 1337

LICENSED TO PRACTICE PODIATRIC  
MEDICINE IN THE STATE OF  
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("the Board") upon receipt of information from the Camden County Prosecutor's office that on December 27, 1990 in Pennsauken, N.J. respondent, Ira Jay Silverman, D.P.M., was arrested and charged with possession of cocaine, possession of cocaine with intent to distribute and possession of cocaine with intent to distribute within 1000 feet of Pennsauken High School.

On March 6, 1991 respondent appeared before the Preliminary Evaluation Committee of the New Jersey State Board of Medical Examiners and testified as to his long term intermittent cocaine and marijuana use. He represented that since the 1970's he casually used these two substances on a recreational basis 2

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to 4 times a year. He has further represented that commencing 9 months ago his use of cocaine and marijuana increased to once a week.

Subsequent to his arrest, respondent voluntarily became involved in an outpatient chemical dependency program at Livengrin and in the Physicians' Health Program of the New Jersey Medical Society. Respondent since his arrest has undergone twice weekly random urine monitoring by the Physicians' Health Program. The monitoring has yielded negative results with the exception of the first test which revealed the lowest detectable level of marijuana.

Respondent being desirous of avoiding a formal hearing in this matter, and without admitting any violation of a statute or rule administered by the Board has consented to the entry of this Order.

The Board, in view of the period of negative urine testing, finds the within Order to be adequately protective of the public interest and good cause therefore existing for the entry of this Order,

IT IS therefore on this 2nd day of April, 1991,

ORDERED:

1. The license of Ira Jay Silverman, D.P.M., to practice podiatric medicine in this State is hereby suspended for three years; the first two months to be an active suspension, the remaining 2 years 10 months to be stayed.

2. Respondent shall continue active participation in the outpatient chemical dependency program at Livengrin including weekly chemical dependency counseling sessions and weekly marriage counseling sessions.

3. Respondent shall cause to be supplied to the Board copies of all records of medical treatment and counselling, and records of participation with the Physicians' Health Program (including urine monitoring).

4. Respondent shall execute any and all consents for release of medical and counselling records in order for the Board, its attorneys or investigators to obtain such records, including but not limited to, any and all records otherwise protected from disclosure by statute or regulation of any state or of the United States.

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5. Respondent shall undergo twice weekly, directly witnessed random urine monitoring to be conducted by and under the procedures of the Physicians' Health Program, for a period of 1 year from the filing of this Order. Thereafter, if all testing during that period has been negative, testing shall continue for two additional years, on a once a week basis.

6. Respondent shall not possess, consume or administer to himself any prescription medication without a valid prescription from another physician. If any medication is taken upon prescription from another physician, respondent shall notify the Physicians' Health Program of that fact before the next urine sample is submitted, and shall cause his treating physician to

physician to transmit his medical record to the Physicians' Health Program and the Office of Attorney General.

7. In the event that any urine testing as indicated above is positive for any controlled drug, barring an explanation satisfactory to the Physicians' Health Program, or respondent does not comply with the testing requirements of the Physicians' Health Program:

a. Both the Physicians' Health Program and the respondent shall report same to this Board and to the Office of the Attorney General within 24 hours, respondent attaching a statement of his reasons for a positive drug test and/or failure to comply with the urine testing program.

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b. Additional urine monitoring may be required at the discretion of the Physicians' Health Program without regard to the frequency limitations set forth in this Order.

c. The stay of the suspension of respondent's license may be vacated without notice or opportunity to be heard pending a preliminary hearing before this Board or such member(s) as the Board President may designate for this purpose. That hearing shall be limited to the issue of whether this Order has been violated.

7. The within Consent Order shall not impair in any way the right of the Board to take whatever action it deems

necessary and appropriate at any future time concerning respondent's license to practice podiatric medicine in this State.

8. This order shall be effective upon filing.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Michael S. Grossman, D.O.  
Michael Grossman, D.O.  
President

Consented to as to  
form and entry:

Ira Jay Silverman  
Ira Jay Silverman, D.P.M.

Consented to as to form:

Anthony J. Zarrillo, Jr.  
Anthony J. Zarrillo, Jr., Esq.