



Controlled Substances Act and an alleged fraudulent conveyance of real property to his spouse.

Dr. Ungar-Sargon appeared with counsel before a Preliminary Evaluation Committee of the Board ("the Committee") on December 4, 1991. Dr. Ungar-Sargon testified under oath and subsequently provided documents to confirm that he had been acquitted in the District of Plymouth action, had been disciplined by the Massachusetts Board, and had reached an agreement with the federal authorities. By said agreement he agreed and stipulated that as a result of his violation of 21 C.F.R. §1306.03 and 21 C.F.R. §1306.5 he was civilly liable to the United States for violations of the civil penalty provisions of 21 U.S.C. §842(a)(1). Regarding 21 C.F.R. §1306.03, he stipulated and agreed that certain prescriptions had been issued in violation of that regulation in that at the time of their issuance he was not properly registered with the Massachusetts Commissioner of Public Health to prescribe CDS in the Commonwealth of Massachusetts. Respecting 21 C.F.R. § 1306.5, he stipulated and agreed that certain prescriptions had been issued in violation of that regulation in that they were either not dated as of, or signed on, the day when issued, or that they failed to bear the full name and address of the patient when issued. Additionally, Dr. Ungar-Sargon agreed and stipulated to judgment against him in the amount of \$390,000, said sum to be paid in specified amounts on the first day of March 1990 and thereafter for the next thirty-five months. Dr. Ungar-Sargon

further agreed to deliver an effective mortgage and security instrument executed by the owners of record of the property at 22 Heath Hill in Brookline, Massachusetts, providing the United States with a security interest in that property to the extent of \$390,000, the instrument to be discharged upon satisfaction of the judgment.

As to the action brought by the Massachusetts Board, a negotiated settlement was reached. Dr. Ungar-Sargon stipulated to: his operation of a private office known as the Mahomet Medical Center ("MMC"); his employment of Melvyn J. Smullin, M.D., an unlicensed physician, at MMC; his leaving blank, pre-signed prescriptions for Dr. Smullin's use; Dr. Smullin's issuing such prescriptions without a valid medical purpose; his suspension from Brigham and Women's Hospital; his censure by said Hospital for including on his C.V. a degree from a correspondence school of questionable legitimacy; his resignation from Brigham and Women's Hospital and the Harvard Medical School faculty after being advised his appointments would not be renewed; and his failure to report the censure and resignation to the Board within thirty days of their occurrence. It was noted in the settlement agreement that Dr. Ungar-Sargon had not renewed his Massachusetts registration on March 20, 1987 and that he would not do so during the pendency of the Massachusetts Board's proceedings. That Board issued an Order, as part of the agreement, providing as follows. Dr. Ungar-Sargon's inchoate right to renew his license was suspended for four years, retroactive to March 1, 1986. In

the event he renewed his license it would be restricted to neurology consultations until further order to the Board. In the event he renewed his license at the end of the prescribed period of suspension, he could not prescribe any CDS for a period of five years. He would reimburse the Commonwealth of Massachusetts \$7,500 for costs incurred. Finally, he must provide any employer or health care facility with which he had or would have any appointment, privileges or other association, with a copy of the Massachusetts Order and certify to that Board that he had complied with said directive. Dr. Ungar-Sargon testified that he had complied with all requirements of the federal judgment and Massachusetts Board Order and had been issued a wallet card registration by the Massachusetts Board indicating that his licence was restricted.

The parties here, being desirous of resolving this matter without the necessity of formal proceedings, and Dr. Ungar-Sargon acknowledging that his aforesaid stipulations underlying the judgment against him and in favor of the United States, and the suspension of his license to practice medicine in the State of Massachusetts, constitute conclusive evidence that he has engaged in professional misconduct and therefore constitute grounds for suspension or revocation of his license pursuant to N.J.S.A. 45:1-21(g), and it appearing that Dr. Ungar-Sargon has read the terms of the within Order and understands their meaning and effect and consents to be bound by same, and it

further appearing that the Board finds that the within Order is adequately protective of the public interest,

IT IS on this 3rd day of APRIL, 1992,

ORDERED AND AGREED as follows:

1. Dr. Ungar-Sargon's License to Practice Medicine and Surgery in the State of New Jersey is hereby restricted to neurology consultations.

2. Dr. Ungar-Sargon shall not prescribe or dispense any Controlled Dangerous Substances until the reinstatement of his license issued by the Drug Enforcement Agency to prescribe said drugs.

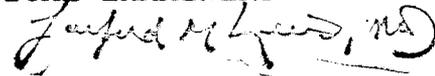
3. Dr. Ungar-Sargon shall provide any New Jersey employer or health care facility with which he currently has or may in the future have any appointment, privileges or other association, with a copy of this Consent Order, by certified mail, return receipt requested, and certify to the Board, within ten days that he has complied with this directive.

4. Should the Board receive notice that Dr. Ungar-Sargon has engaged in any conduct which could be construed as violative of restrictions 1, 2 and/or 3 above, Dr. Ungar-Sargon shall be required to appear forthwith before the Board or an appropriate committee or designee thereof to explain the conduct in question. At that time the Board will take whatever measures it deems appropriate to protect the public of this State.

5. The restrictions specified herein shall remain in effect until (a) all restrictions have been removed from Dr.

Ungar-Sargon's license to practice medicine in the State of Massachusetts; (b) Dr. Ungar-Sargon's application to this Board for the removal of this Board's restrictions, which shall include his personal appearance, upon notice, before a committee of the Board, and (c) the Board's acceptance of such proofs as it may deem necessary to establish his fitness to engage in the unrestricted practice of medicine in this State.

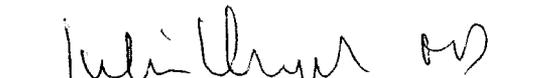
NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS



By: \_\_\_\_\_

Sanford M. Lewis, M.D.  
President

I have read the within  
Consent Order and I  
understand and agree to  
be bound by its terms.  
I consent to its entry  
by the State Board of  
Medical Examiners.

  
\_\_\_\_\_  
Julian Y. Ungar-Sargon, M.D.

3-10-92

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Dated

This Order is Consented  
to As to Form and Entry.

  
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Nancy Gertner, Esq.  
Counsel to Dr. Ungar-Sargon