

FILED

July 13, 1993

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
DOCKET NO.

In the Matter of an Application)
For Licensure by:)

MICHAEL SCHUTZ, M.D.)

To Practice Medicine and Surgery)
in the State of New Jersey)

Administrative Action

REVISED ORDER DENYING
LICENSURE (PROVISIONAL)

This matter was presented to the New Jersey State Board of Medical Examiners by application of Michael J. Schutz to practice medicine and surgery. The applicant, of P.O. Box 825, Three Bridges, New Jersey 08887, is presently in his second year of post-graduate training at the University of Medicine and Dentistry. He is represented herein by Matthew R. Schutz, Esq. The applicant appeared before a Board Committee to address questions regarding his eligibility for licensure. In light of his admission that he had been arrested for an offense involving drugs, he also agreed to a release of certain police reports for Board review. The following matters are deemed by the Board to be significant to the licensure application.

On March 9, 1984, a raid was conducted by the New Brunswick Police Force at the Alpha Delta Epsilon Fraternity House in New Brunswick. The police entry was authorized by search warrant issued by the Superior Court based upon affidavits reporting the presence of quantities of illegal drugs and paraphernalia throughout the premises and frequent drug sales made by persons residing there. Some 17 persons were arrested the night of the

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raid on a variety of charges, some of which were referred for Grand Jury consideration for possible indictment. The applicant has indicated that on that date he was attending a party there while visiting his brother and decided to spend the night. He was arrested on Complaint No. SM93227, NB84-7983 and RU0496-84G and was charged with possession of marijuana under 25 grams, in violation of N.J.S.A. 24:22-20(a)(4), after he admitted to the police that he was the owner of a bag of marijuana stuffed into his shoe which was found in his brother's bedroom. He acknowledges that he had purchased approximately 3 grams of marijuana that evening at the party, and had approximately two grams remaining from the purchase at the time of the arrest.

It appears that a determination was made by the authorities not to pursue the criminal charges. The case against the applicant had been concluded by the time of his appearance before the Board. He represented that he had been advised of a proposal by the prosecutor to withdraw the complaint or to agree to have it dismissed.

On inquiry as to the extent of drug use prior to the arrest, the applicant stated that he had begun using marijuana in college (T15-10) and was using it "a couple of times, a few times a week, maybe four times a week" (T15-16 to 17). After initially stating to the Board committee that he purchased it only for personal consumption, he later acknowledged that he purchased it in sufficient quantity to resell some of it to his friends (T-16). He vigorously denies making a profit on those sales (T-17).

Asked if he used any other drugs, he first stated that he might have used cocaine while in college, but only twice (T17-25); "I tried cocaine a couple of times" (T19-24). Later, during his interview, he acknowledged that he had also used cocaine once or twice during his third and fourth year of medical school; T18-4 to T5), T19-6 to 7; once or twice after the arrest (T34-23); he strenuously denied ever using cocaine during his residency and denied that he had ever been impaired while on surgery duty with his patients (T18-16). He acknowledged using marijuana about six times since the date of the arrest, as recently as six to nine months before the Board interview, and compared the use of it to the drinking of beer at a corner bar for social purposes and relaxation.

The Board is extremely concerned about the casual attitude expressed by this applicant towards drugs, the use of which is known to result in impairment of mental and physical faculties and which drugs have been declared unlawful for purchase, possession or consumption exhibited by this applicant. The attitudes expressed by the applicant are inimical to the policies of this government for the public health, safety and welfare and to the responsibility to which physicians are sworn. The Board is particularly dismayed that the illegal drug use, including that of cocaine, continued on occasion after the arrest. Occasional marijuana use continued during the beginning of his surgical residency.

In light of this background, and for good cause shown, the

application for medical licensure by Michael J. Schutz, M.D. is hereby denied at this time for failure to meet the statutory prerequisite of good moral character mandated by N.J.S.A. 45:9-6. Dr. Schutz may reapply no earlier than one year from the filing date of this denial on the following express conditions only:

1. During the minimum period of one (1) year before Dr. Schutz reapplies to this Board, he shall participate actively with the activities of the Impaired Physician's Committee, conducted by the Medical Society of New Jersey, including unannounced urine screening, and shall authorize quarterly reports to be prepared and submitted to this Board by the Director thereof;

2. He shall submit proof of satisfactory completion of the Mini-Residency in Controlled Dangerous Substances sponsored by the University of Medicine and Dentistry of New Jersey and shall authorize the Director thereof to submit a report evaluating Dr. Schutz's work in the didactic and clinical portion of the course;

3. He shall submit to a psychiatric evaluation at his own expense by a Board-appointed psychiatrist.

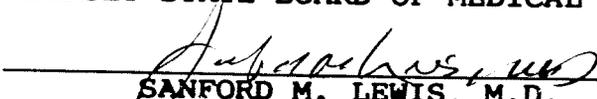
4. He shall be permitted to remain in an approved post-graduate training program, on condition that his supervisor agrees to provide a more intensive degree of supervision in light of the background of this matter, and such agreement is filed by letter with the Board. The supervisor shall thereafter file a quarterly report regarding Dr. Schutz's performance in the residency program, and shall agree to notify the Board in the

event of any termination of the residency position or any failure to meet the standards of character and performance required in the residency.

Dr. Schutz, M.D., shall be permitted to submit in writing and within 30 days of receipt of this proposed Order, a detailed indication of such factual assertions in the proposed Order as he believes to be in error. The Board shall study the response and shall determine no later than the April 8, 1987 meeting whether there are sufficient and genuine issues as to material fact asserted in the proposed Order. The Board will then determine if an evidentiary hearing is necessary and the proper nature and scope of such a proceeding, which may not necessarily be limited to the charges hitherto discussed or the conclusions and sanctions imposed. If no time and appropriate response is received, or no material fact is found, this Order shall become final.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____


SANFORD M. LEWIS, M.D.
BOARD PRESIDENT

Originally entered March 10, 1987, modified May 1993.

