

FILED

June 22, 1994

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

EFFECTIVE

May 8, 1994

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

IN THE MATTER OF THE SUSPENSION)
OR REVOCATION OF THE LICENSE OF:

FREDERICK COVILLE, M.D.

TO PRACTICE MEDICINE & SURGERY
IN THE STATE OF NEW JERSEY)

Administrative Action

DECISION AND ORDER

This matter was opened before the Board of Medical Examiners upon the motion of Deborah T. Poritz, Attorney General of New Jersey, by Brenda Talbot Lewis, Deputy Attorney General, seeking to discontinue the stay of the suspension of the license of Frederick Coville, M.D., to practice medicine and surgery in the State of New Jersey and to impose in its place an active suspension of Dr. Coville's license. Dr. Coville was represented on the motion by Kern, Augustine, Conroy & Schoppman, P.A., (Michael Schoppman, Esq., appearing).

The Board first considered disciplinary action against Dr. Coville in July, 1992 when the Attorney General filed an Order to Show Cause and Verified Complaint alleging that Dr. Coville had had consensual and non-consensual sexual contact with patients and had performed cosmetic surgery in a manner that was grossly deviant from the accepted standards. Prior to the Board's decision on the application for temporary suspension the parties agreed to an interim consent order, which the Board accepted. Before the scheduled hearing on the complaint at the Office of Administrative Law, the parties agreed to resolve the complaint

by consent. The Board, having determined that the public interest was adequately protected by the terms of the agreement, entered into a consent order on May 18, 1993. The order provided for a four year suspension, the first three years of the suspension were stayed with restrictions placed on Dr. Coville's practice. Those restrictions include the practice of medicine only pursuant to an approved bona fide employment relationship and no practice of cosmetic or reconstructive surgery. The order further required:

(c) Dr. Coville shall conduct all physical examinations or medical treatments of female patients in the presence of a chaperon, said chaperon to be a certified medical professional approved by the Board....

Pursuant to its terms failure to comply with any part of the order "shall result in the activation of the suspension of [Dr. Coville's] license...."

In April 1994, following receipt of information that Dr. Coville had seen female patients without a chaperon, two female investigators from the Enforcement Bureau, Division of Consumer Affairs, acting in an undercover capacity, on separate occasions, made appointments to see Dr. Coville. On both occasions, Dr. Coville entered the examination room, closed the door behind him and saw the female "patients" without a chaperon.

Based on this violation of the order, the Attorney General filed a motion on notice to discontinue the stay of the suspension. Dr. Coville responded to the motion by filing numerous affidavits from employees who indicated an awareness of

certain practice restrictions, a statement from his employer setting forth an explanation for the lapse in office protocol and a statement from Dr. Coville. The Board heard oral argument on the motion and testimony from Dr. Coville. The doctor acknowledged that he assessed the presenting problem and would see, on average, one female patient a week without a chaperon.

The Board finds that Dr. Coville was fully aware of the terms of the Consent Order, including the restrictions on his practice. The Board further finds that Dr. Coville saw female patients without a chaperon in violation of that order. The order required that all examinations of female patients be conducted in the presence of a chaperon. While Dr. Coville testified that he did what he thought was reasonable, and that he meant no offense to the Board, the requirement of a chaperon was put in place to protect the public. Dr. Coville's wilful disregard of a Board order, manifested by his decision to substitute his judgment for that of the Board, is an affront to this Board and the interest of the citizens of this State. It demands a response.

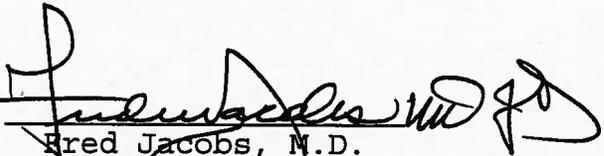
THEREFORE, IT IS ON THIS *20th* DAY OF *June*, 1994,
ORDERED:

1. Dr. Coville's license to practice medicine and surgery shall be actively suspended for a six month period beginning May 8, 1994 and ending November 17, 1994. The remainder of the four year suspension shall remain stayed pursuant to the terms of the May 18, 1993 consent order; and it is further,

2. Ordered that Dr. Coville shall appear at a Preliminary Evaluation Committee one month prior to the end of the active portion of the suspension; and it is further,

3. Ordered that Dr. Coville shall pay costs associated with this investigation as set forth in the affidavit of costs to be submitted by the Attorney General.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

BY: 
Fred Jacobs, M.D.
President