

DEBORAH T. PORITZ  
ATTORNEY GENERAL OF NEW JERSEY

FILED

By: John De Cicco  
Deputy Attorney General  
Division of Law - 5th Floor  
124 Halsey Street  
P. O. Box 45029  
Newark, New Jersey 07102  
Telephone (201) 648-4876

March 28, 1995

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

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

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
GEORGE M. MUCHEN, D.P.M.	:	<b>CONSENT ORDER</b>
LICENSE NO. 1252	:	
	:	
TO PRACTICE PODIATRIC MEDICINE	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Medical Examiners ("the Board") upon its receipt of information indicating that George M. Muchen, D.P.M. (Lic. #1252), has used the mails and telephone for purposes of conveying obscene and harassing messages and that respondent has been convicted of harassment for engaging in such conduct. The Board also received information that respondent has failed to undergo psychiatric evaluation by a Board appointed psychiatrist in accordance with an agreement reached between him, through counsel, and the Board subsequent to the aforementioned conviction.

On April 23, 1990, respondent entered into a Consent Order with the Board. The conduct which was the subject of the Consent Order was an abusive and profane letter that respondent had written to an employee of a managed care health provider and a subsequent

**CERTIFIED TRUE COPY**

conversation, of a similar nature, with the employee's supervisor. Pursuant to the Consent Order, respondent was fined \$1,500, required to apologize to the complainants and required to undergo psychiatric evaluation within six months of the entry of the Order.

Pursuant to the aforementioned Consent Order, respondent was examined by David J. Galina, M.D., a Board consultant in psychiatry. Dr. Galina determined that respondent did not require ongoing psychiatric care. That determination, however, was predicated upon Dr. Galina's conclusion that the incident in question was an isolated example of aberrant behavior. In his report, Dr. Galina concluded that if there was a repeat incident, he would strongly recommend a course of psychotherapy for respondent. A written report detailing Dr. Galina's findings was provided to the Board for its review. Based on Dr. Galina's findings, no further action was taken by the Board.

In July 1991, respondent was found guilty of a disorderly persons offense in the Elizabeth Municipal Court for harassing one, T.C., by sending obscene mailings and making obscene telephone calls. Respondent was sentenced by the municipal court judge to a term of thirty (30) days incarceration, which sentence was suspended on the condition that he refrain from engaging in such conduct in the future.

In February 1993, T.C. again charged respondent with the disorderly persons offense of harassment in the form of obscene mailings and obscene telephone calls. T.C. filed two complaints in the Elizabeth Municipal Court. According to the complaints, the behavior which is their subject spans a time period between April 1991 and February 1993. The complaints allege that respondent engaged in a campaign of obscene

letter writing and telephone calling. To date, however, these complaints have not been adjudicated at a plenary hearing.

After the second set of complaints were filed, Dr. Galina was requested by a deputy attorney general to render a second psychiatric evaluation of respondent. A written evaluation was received on February 17, 1994. The evaluation, however, was premised entirely upon Dr. Galina's earlier evaluation of respondent on August 6, 1992. Dr. Galina indicated that he had no further contact with respondent since that date, and was therefore, unable to render a medical opinion concerning respondent's psychiatric status. Thereafter, it was agreed between the deputy attorney general and counsel representing respondent that he would be evaluated by Dr. Galina. On May 5, 1994, Dr. Galina saw respondent in neuropsychiatric re-evaluation. Dr. Galina had available to him reports and information concerning the new allegations of respondent's misconduct. Dr. Galina wrote a report dated May 11, 1994, in which he stated that he was unable to render an opinion concerning respondent's current neuropsychiatric status without respondent undergoing a full battery of psychological tests and additional visitations. Respondent has not followed the course of treatment recommended by Dr. Galina. Respondent, by letter, dated November 10, 1994, requested that he be permitted to appear before the Board pro se in order to resolve its concerns regarding these incidents.

On January 25, 1995, respondent appeared before a Preliminary Evaluation Committee of the Board (PEC). Respondent testified that he did not wish to be represented by counsel and that he voluntarily waived his right to assistance of counsel. Respondent testified that he was not guilty of sending obscene letters and making obscene telephone calls

to T.C., and that the municipal court's finding to the contrary in July 1991 was in error. He further denied having engaged in the conduct which is the subject of the second set of complaints filed in February 1993. The report of the State's handwriting expert, A.D.O., was produced. That report indicates that respondent is the author of several documents which are the subject of the second municipal court proceedings. Respondent, however, offered the PEC a report prepared by his own expert, which refutes A.D.O.'s report. Respondent also relied upon a State Police report which is inconclusive regarding respondent's authorship of all of the documents in question.

Dr. Muchen testified that he will agree to undergo psychological tests in neuropsychiatric therapy by a Board approved psychiatrist and, if necessary, undergo continuing therapy.

Upon its review of this matter, the Board has concluded that respondent's conduct resulting in a finding of guilt in July 1991 and his failure to follow the course of treatment recommended by Dr. Galina may be grounds for disciplinary action pursuant to N.J.S.A. 45:1-21(e). The Board, however, has concerns that respondent's actions may be evidential of underlying psychiatric problems, and that in lieu of discipline, it may be in the best interests of respondent and the public that he undergo extensive psychiatric evaluation in the immediate future followed, if necessary, by continuing psychiatric treatment.

Respondent, desiring to resolve this matter without the necessity of formal disciplinary proceedings by voluntarily submitting to such psychiatric evaluation and treatment as the Board may deem necessary; and respondent not admitting to the conduct which was the subject of the 1991 conviction or the pending municipal court

complaints; and it appearing that respondent has read the terms of the within Order and understands its meaning and effect and consents to be bound by same, and it further appearing that the within Order adequately protects the public health, safety and welfare, and it therefore appearing that good cause exists for the entry of the within Order.

IT IS, THEREFORE, on this 28th day of March , 1995,  
ORDERED and AGREED:

1. Respondent agrees to cease and desist from engaging in any conduct of the nature which was the subject of the Consent Order of 1990, the conviction of July 1991 and which is the subject of the complaints now pending in the Elizabeth Municipal Court.

2. Respondent agrees that he will submit to a psychiatric evaluation, including a full battery of psychological tests, within three months of the date on which this Order is entered. Such psychiatric examination and evaluation shall be conducted by a psychiatrist selected by the Board and shall be at respondent's own expense.

3. Respondent agrees that the Board approved psychiatrist will be provided with a copy of this Order and all records considered relevant concerning his prior psychiatric evaluations, his conviction for harassment, the ongoing litigation, the records of respondent's prior psychiatric treatment, the transcript of respondent's appearance before the Preliminary Evaluation Committee and any other records deemed appropriate.

4. Respondent agrees and hereby specifically authorizes by his signature on this Order that the treating psychiatrist shall submit a written report detailing any findings made during the aforementioned

psychiatric evaluation no later than three months from the date on which this Order is entered. If the Board appointed psychiatrist recommends on-going treatment, respondent agrees that he will continue to undergo psychiatric treatment by that psychiatrist at his own expense.

5. Respondent agrees that in the event that he undergoes continuing psychiatric treatment, the Board approved psychiatrist shall submit periodic reports to the Board, with a copy to him, the first report to be received by the Board within six months of the date of the initial evaluation, and, every six months thereafter, until respondent is discharged by the treating psychiatrist or until the Board orders otherwise.

6. Respondent agrees that such interim reports shall specify in detail the treating psychiatrist's plan of treatment, respondent's progress or lack thereof under the treating psychiatrist's care, including a full account of all contacts which respondent has had with his treating psychiatrist, his compliance with the directions of the treating psychiatrist and any limitations believed to be necessary on respondent's medical practice and any other information which may affect respondent's continuing ability to practice podiatry as a licensee of the Board consistent with the public health, safety and welfare.

7. Respondent shall cause, and hereby authorizes by his signature on this Order, his treating psychiatrist to immediately notify the Board, both verbally and in writing, of any deviation by respondent from his course of treatment and any crisis or emergency arising from respondent's condition, including all known details of such crisis or emergency, and such other information as the psychiatrist deems relevant

to respondent's continuing ability to practice podiatry consistent with the public health, safety and welfare.

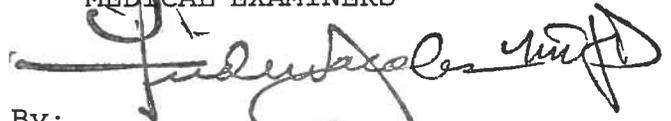
8. Respondent agrees that he shall immediately notify the Board if he ceases treatment with his treating psychiatrist and the reason therefor.

9. One year from the entry of this Order, or at such time as the Board shall fix, respondent shall appear before a Preliminary Evaluation Committee (PEC) of the Board. Respondent shall be responsible for demonstrating to the satisfaction of the PEC his continuing ability to engage in the practice of podiatry and that he does not pose a danger to the public health, safety and welfare. Respondent shall be responsible for demonstrating that he has been fully compliant with the treatment plan, if any, established by his treating psychiatrist. Respondent shall present the Committee with a detailed report from his treating psychiatrist regarding his condition at that time, including a continuing plan of treatment, if any, and his psychiatrist's opinion concerning his ability to practice podiatry as a licensee of this Board consistent with the public health, safety and welfare. Respondent shall also provide the Board with any other information relevant to the now ongoing litigation and any other matters which arise between the date of the entry of this Order and his appearance. The Committee shall recommend to the Board any further measures it deems appropriate at that time. Until such time as a further Order is entered, the terms and conditions of this Order shall govern respondent's conduct as a licensee of this Board.

10. Respondent agrees to immediately notify the Board of the disposition of the charges which are the subject of the complaints filed on February 1993.

11. This Order is entered without prejudice to the Board's ability to take any additional action deemed appropriate should new information come to the attention of the Board or as new developments warrant, including modification of the terms of this Order or, if required, the initiation of proceedings for suspension or revocation of respondent's license to practice podiatry in this State.

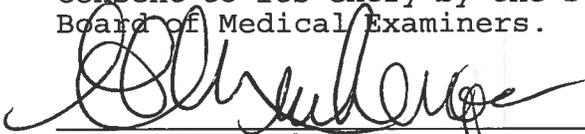
NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS



By:

Fred Jacobs, M.D., J.D.  
President

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

  
George M. Muchen, D.P.M.