

PETER VERNIERO
ATTORNEY GENERAL OF NEW JERSEY

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FILED

August 14, 1998
**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

In the Matter of

MARK S. JOSOVITZ, M.D.

Licensed to Practice
Medicine and Surgery in
the State of New Jersey

Administrative Action

**PROVISIONAL ORDER
OF DISCIPLINE**

This matter was opened to the Board on information received which the Board has reviewed and on which the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent Mark S. Josovitz, M.D., has been a licensee of the Board at all times relevant hereto.
2. On September 17, 1996, the Tennessee Board of Medical Examiners suspended respondent's license to practice medicine for a period of one year, six months stayed and six months

CERTIFIED TRUE COPY

of active suspension. (Copy of Agreed Order annexed hereto and made a part hereof). Respondent was also ordered not to resume the practice of medicine until the Tennessee Medical Foundation's Impaired Physician Program had recommended that it was safe for him to do so, and he was placed on five years probation with terms and conditions.

3. Respondent's suspension was based on findings of unprofessional, dishonorable, and unethical conduct, habitual intoxication or personal misuse of drugs or the use of intoxicating liquors, narcotics, controlled substance, or other drugs or stimulants in such manner as to adversely effect the person's ability to practice medicine, and engaging in the practice of medicine when mentally or physically unable to safely do so, in that he had engaged in an approximately five-year escalating pattern of dangerous conduct toward colleagues and staff, including mood swings, violent and loud behavior, brandishing a gun in front of emergency room staff, threatening another physician with a gun, brandishing a gun in front of his office staff, being arrested for driving under the influence, and breaking into the home of his ex-wife and assaulting her, for which he was charged with aggravated burglary and aggravated assault. In addition, respondent was being treated for chemical dependency.

CONCLUSIONS OF LAW

Respondent's actions as set forth herein constitute acts of professional misconduct in violation of N.J.S.A. 45:1-21(e) and

(i) and provide grounds for discipline pursuant to N.J.S.A. 45:1-21(g).

IT IS, THEREFORE, on this 14th day of August, 1998,

ORDERED that:

1. The license of Mark S. Josovitz, M.D., to practice medicine and surgery in the State of New Jersey is hereby suspended indefinitely.

2. Upon the Board's receipt of an application for the reactivation of his license, and prior to resuming active practice in New Jersey, respondent shall be required to appear before a committee of the Board to demonstrate successful compliance with and completion of the requirements of his Tennessee suspension and his possession of an unrestricted license to practice medicine in all other jurisdictions where he is so licensed, and any medical practice in this State prior to said appearance shall constitute grounds for the automatic suspension of his New Jersey license. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

3. The within Order shall become final at 5:00 p.m. on the 30th business day following entry hereof unless Respondent requests a modification of dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Kevin Earle, Executive Director, State Board of Medical Examiners, 140 East Front Street, 2nd Floor, Trenton, New Jersey 08608.

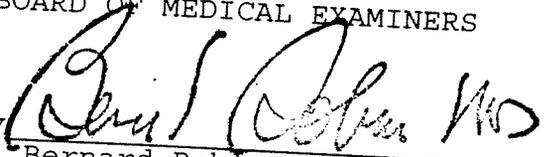
b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

4. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Suspension will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding.

BOARD OF MEDICAL EXAMINERS

By 
Bernard Robins, M.D., F.A.C.P.
President



STATE OF TENNESSEE
DEPARTMENT OF HEALTH
HEALTH RELATED BOARDS
FIRST FLOOR, CORDELL HULL BUILDING
426 FIFTH AVENUE NORTH
NASHVILLE, TENNESSEE 37247-1010

TENNESSEE BOARD OF MEDICAL EXAMINERS

January 29, 1997

MARK S JOSOVITZ, MD
WEST TN CARDIOLOGY
511 ROLAND AVENUE
JACKSON, TN 38301

TO WHOM IT MAY CONCERN:

The Tennessee Board of Medical Examiners is pleased to furnish the following information from our files:

NAME: MARK S JOSOVITZ
LICENSE NUMBER: MD18433
ISSUE DATE: 10/02/1987
EXPIRATION DATE: 10/31/1997
CURRENT STATUS: Suspended - TCA Violations
STATUS DATE: 09/20/1996



COMMENTS: There is derogatory information in our files concerning this Medical Doctor. Copies of documentation concerning disciplinary actions are available upon request and payment of copying fees.

Sincerely,
Linda Hudgins
Linda Hudgins, Administrator
Tennessee Board of Medical Examiners

VERIFY/MD/V1

To expedite the verification process, the above is the standard format used by the Medical Board of Tennessee.

disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

3. At all times herein relevant, Respondent was licensed to practice medicine in Tennessee by the Tennessee Board of Medical Examiners. Respondent practiced internal medicine.

4. Respondent has engaged in an approximately five (5) year escalating pattern of dangerous conduct toward colleagues and staff. Said pattern is illustrated by the following:

(a) Respondent has been observed by colleagues and staff to exhibit mood swings and violent, loud behavior while practicing medicine.

(b) In or about 1992, Respondent brandished a gun in front of the Emergency Room staff at Bolivar Hospital.

(c) Respondent, in or about 1992, threatened another physician with a gun.

(d) In or about 1992, Respondent brandished a gun in front of his office staff. The Office Manager had to take the gun away from Respondent.

(e) Respondent was arrested in Hardeman County for driving under the influence on or about February 1, 1996.

(f) Respondent broke into his ex-wife's home and assaulted her during the early morning hours on or about February 20, 1996 after leaving a halfway house against medical advice. He was charged with Aggravated Burglary and Aggravated Assault after the incident.

5. Respondent has attempted to be treated for various problems, including substance abuse:

(a) He received inpatient treatment for chemical dependency in Atlanta, Georgia from approximately January 29, 1995 until June 10, 1995.

(b) Respondent entered into a continuing care contract with the Tennessee Medical Foundation's Impaired Physician's Program in June 1995.

(c) Respondent entered Charter Lakeside, Memphis, Tennessee in February 1996.

(d) On or about March 18, 1996, Respondent was transported to Copac treatment center in Brandon, Mississippi where he is scheduled to remain until the end of July 1996.

CONCLUSIONS OF LAW

The facts as found in the Findings of Fact section of this Agreed Order are sufficient to establish violation by the Respondent of the following provisions of the Tennessee Medical Practice Act, (T.C.A. 63-6-101 et seq.) for which disciplinary action before and by the Board of Medical Examiners is authorized:

1. Unprofessional, dishonorable, or unethical conduct.
T.C.A. 63-6-214(b)(1);
2. Habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely effect the person's ability to practice medicine. T.C.A. 63-6-214(b)(5);
3. Engaging in the practice of medicine when mentally or physically unable to safely do so. T.C.A. 63-6-214(b)(18).

REASONS FOR THE DECISION

It is the policy of the Board of Medical Examiners to discipline its licensees who are found to have violated the Medical Practice Act. The Board is concerned about the Respondent's past unsuccessful treatments and his propensity for violence when he is impaired. Based on the involvement of the Tennessee Medical Foundation's Impaired Physician Program; the fact that there have been no substantiated complaints about his medical competency; and the Board's "sentencing guidelines", the Board takes the following action. However, should like or similar events occur or should he violate this Order, the Board will strongly consider revoking the license of the Respondent.

IT IS THEREFORE ORDERED as follows:

1. The Tennessee medical license of Respondent Josovitz, number 18433, is hereby SUSPENDED for a period of one (1) year from the effective date of this Agreed Order. Six (6) months of said suspension are hereby stayed meaning that he is eligible to practice medicine six (6) months from the effective date of this order.
2. Under no circumstances shall Respondent undertake to practice

medicine at the end of his suspension period until the Respondent has caused the Tennessee Medical Foundation's Impaired Physician Program (the "TMF") to recommend to the Board that Respondent is able to safely resume the practice of Medicine in Tennessee.

3. Upon the termination of Respondent's suspension period, his medical license shall be placed on PROBATION for a period of five (5) years. Respondent must maintain the advocacy of the TMF for the duration of said probation. Respondent must personally appear before the Board at the end of five years in order to obtain permission to have his probation lifted.

4. Any violation of this order, including the loss of advocacy from the TMF, shall constitute a separate offense pursuant to T.C.A. §63-6-214(b)(2) and be grounds for further disciplinary action by the Board up to, and including, the summary suspension of Respondent's medical license.

SO ORDERED this the 17 day of September

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James B. Eason, MD
Panel Chairman

Approved for entry:


Mark Josovitz, M.D.
Respondent

Date: 7/20/96


A. Yarnell Beatty #13712
Associate General Counsel
Office of General Counsel
Tennessee Dept. of Health
3rd Floor, Cordell Hull Building
426 5th Avenue, North
Nashville, TN 37247-0120
(615) 741-1611

Date: 7/22/96

This order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 18th day of September, 1996.


Charles C. Sullivan, II
Director
Administrative Procedures Div.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon all interested parties, or their counsel, by delivering same to their offices or by placing a true and correct copy of same in the United States mail, postage prepaid.

This 18th day of September, 1996.

Harrell Brally
Associate General Counsel
Tenn. Dept. of Health

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