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FILED

June 25, 1999

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY
DIVISION OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

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: IN THE MATTER OF THE SUSPENSION :
: OR REVOCATION OF THE LICENSE ISSUED TO : Administrative Action
: DANIEL ZIMMERMAN, M.D. :
: CONSENT ORDER OF
: VOLUNTARY SURRENDER
: TO ENGAGE IN THE PRACTICE MEDICINE AND :
: SURGERY IN THE STATE OF NEW JERSEY :
: :
: :
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This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information that respondent had been indicted for violation of N.J.S.A. 24:21-21A(4) which is a third degree crime in the State of New Jersey. Additional investigative materials developed by the Enforcement Bureau of the Division of Consumer Affairs in cooperation with the Drug Enforcement Administration revealed that the charges arose from a DEA investigation into large amounts of controlled dangerous substances purportedly delivered to respondent at his residence over a two year period ending in August of 1997. Respondent, accompanied by his attorney Paul Armstrong, appeared and testified before a Committee of the Board. At that time, the doctor apprised the Committee of his desire to voluntarily surrender his licensure

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privileges and advised the Committee that he had been accepted into the Pre-trial Intervention Program.

The Board having found the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS on this 25th day of June, 1999,

ORDERED:

1. Respondent, Daniel Zimmerman, M.D. is hereby granted leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey without prejudice to his right to reapply for licensure in accordance with paragraph 5 below.

2. Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners upon his receipt of a filed copy of this Order.

3. Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners upon his receipt of a filed copy of this Order.

4. Respondent shall immediately advise the DEA of this Order.

5. Prior to any restoration of his license respondent shall:
a. Appear before the Board or a Committee thereof to discuss his readiness to reenter the practice of medicine. At that time respondent shall be prepared to propose his plans for future practice in New Jersey.

b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not

then suffering from any impairment or limitation resulting from the use of alcohol or CDS which could affect his practice.

c. Provide the Board with evidence that he has not been a habitual user of intoxicants in violation of N.J.S.A. 45:9-16(b) and has not engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e).

d. Provide the Board with reports from each and every mental health professional (including, but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment for the disability in this matter during the period of time from his entry into the alternate resolution program to his appearance upon application or reinstatement.

e. Provide the Board with a report from the Physicians' Health Program detailing the nature and extent of his involvement with that entity.

f. Affirmatively establish his fitness, competence and capacity to reenter the active practice of medicine and surgery within New Jersey.

g. Provide the Board with a full account of his activities during the intervening period of time from entry of the within Order to his appearance.

h. Provide the Board with satisfactory proof that he has fully completed the requirements of the pre-trial intervention program entered into in resolution of the pending criminal charges.

6. The parties expressly acknowledge that the Board reserves the right to take appropriate disciplinary action premised upon

respondent's conduct in obtaining controlled dangerous substances or other violations of state laws or regulations prior to, or as a condition of, restoration of licensure.

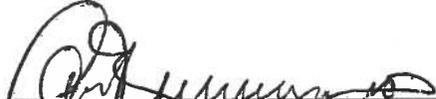
7. Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee Who Is Suspended, Revoked or Whose Surrender of Licensure Has Been Accepted" attached hereto and made part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By:


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

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Daniel Zimmerman, M.D.

Consented to as to form.


Paul Armstrong, Esq.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON OCTOBER 11, 1995

The following directives shall apply when a license is suspended or revoked or permanently surrendered with or without prejudice.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice

title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). Such divestiture shall occur within 90 days following the disqualification to own shares in the corporation. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revoked or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to N.J.S.A.45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.