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FILED

December 22, 2000
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Jeri L. Warhaftig
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

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

Administrative Action

GARY S. SAFIER, D.O.)

CONSENT ORDER

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

This matter was commenced before the State Board of Medical Examiners ("the Board") by the filing of a Verified Complaint by the Attorney General of New Jersey on February 5, 1998, seeking temporary suspension of licensure of Gary S. Safier, D.O. ("Respondent"). The application was based upon the allegation that Respondent had improperly prescribed controlled dangerous substances (CDS) to a patient, Dean Stull, based on an alleged verbal agreement between Mr. Stull and Respondent by which Mr. Stull would lend Dr. Safier money and Respondent would write CDS prescriptions for Mr. Stull. The Complaint referenced an October

28, 1997 indictment based upon these allegations in Morris County, New Jersey. Respondent has filed an Answer to the Complaint which denies the material allegations.

Prior to ruling on the Attorney General's application, the Board issued an Interim Order, effective February 11, 1998, by which (1) the Board made no findings with respect to the application for temporary suspension; (2) Respondent made no admission of wrongdoing; and (3) Respondent voluntarily consented to a review and monitoring of his prescribing of Schedule IV CDS and to refrain from prescribing Schedule II or III CDS except in emergent situations. The Attorney General did not oppose the entry of this Interim Order.

On May 25, 2000, Respondent was admitted to the Morris County Pre-Trial Intervention Project, upon the successful completion of which, the Indictment against Respondent will be dismissed. On July 25, 2000, Respondent moved before the Board for dismissal of the Complaint, presenting substantial evidence that (1) Mr. Stull had consistently lied about Respondent's conduct, (2) Mr. Stull had forged his own prescriptions and had materially altered prescriptions written by Respondent; and (3) Mr. Stull's medical conditions adversely affected his ability to accurately recall events. This application was opposed by the Attorney General and was withdrawn by Respondent's counsel prior to consideration by the Board.

The Board maintains concern about Respondent's prescriptions of CDS for Mr. Stull in view of the fact that Respondent was aware of Mr. Stull's abuse of CDS and his previous admission to a drug rehabilitation unit. The Board, however, recognizes Respondent's good faith efforts to titrate down Mr. Stull's drug use, Respondent's substantial compliance with the Interim Order and his efforts to further his knowledge as to prescribing of CDS by his attendance at a six-day program (May 17-22, 1998) in Appropriate Prescribing of Controlled Substances given at Mercer University School of Medicine in Atlanta, Georgia.

The Board, having concluded that the prescribing restrictions agreed to by Respondent in the Interim Order are no longer necessary for the protection of the public health, safety and welfare, and further finding the within Order adequately protective of the public health, safety and welfare, and other good cause appearing:

IT IS, therefore, on this 22nd day of December, 2000,
ORDERED THAT:

1. Respondent is hereby reprimanded for conduct contrary to N.J.A.C. 13:35-7.2(a) in improperly monitoring Mr. Stull's CDS consumption prior to Mr. Stull's admission to a drug rehabilitation unit in January 1995;

2. Respondent shall pay civil penalties in the amount of \$1,500.00. Such payment shall be made at the time this Order is

entered and shall be made by certified check or money order made payable to the Division of Consumer affairs.

3. Respondent shall reimburse the Board for its costs associated with this matter in the amount of \$9003.00. Such costs shall be paid by certified check or money order made payable to the State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625, and shall be paid at the statutory interest rate of five percent (5.0%), pursuant to the provisions of R. 4:42-11. Such costs shall be paid in twelve monthly installments of \$770.72, commencing January 1, 2001. The total amount to be paid under the terms of this Order is \$9,248.64, including interest in the amount of \$245.64. Any failure by Respondent to make payments under the terms of this Order shall accelerate Respondent's total debt and shall subject Respondent to any and all remedies available under N.J.S.A. 45:1-21 and -22.

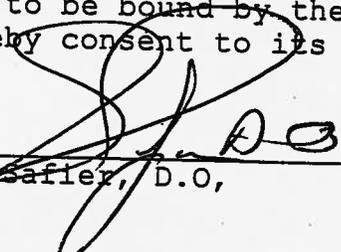
4. The conditions of his license agreed to by Respondent in the Interim Order are vacated and Respondent's license to practice medicine and surgery shall be unrestricted as of the effective date of this Order.



Gregory J. Rokosz, D.O., J.D.
State Board of Medical Examiners

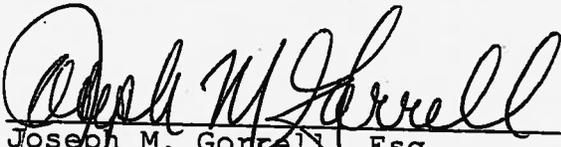
I have read the within Consent Order and understand its terms and conditions.

I agree to be bound by the order
and hereby consent to its entry.



Gary S. Safier, D.O.

Consented as to form:



Joseph M. Gorzell, Esq.
Attorney for Gary S. Safier, D.O.