

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Fl.
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

December 18, 2001

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Hakima Bey-Lawson
Deputy Attorney General
Tel: (973) 648-2478

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

BLAIR BELTZER, M.D.
LICENSE NO. MA050889

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Medical Examiners (hereinafter the "Board") upon receipt of information alleging that Blair Beltzer, M.D. (hereinafter the "Respondent"), had engaged in inappropriate sexual contact during his treatment of patient J.S. Respondent appeared before a Preliminary Evaluation Committee of the Board on March 29, 2000. During that appearance, acknowledged that on January 9, 1998, he and patient J.S. had kissed each other. In addition, Respondent testified at that hearing concerning his interaction with J.S. during a period when she was no longer Respondent's patient. Subsequent to Respondent's appearance before

CERTIFIED TRUE COPY

the Committee, Respondent admitted through representations made by counsel, that his earlier testimony before the Committee concerning the extent of his interaction with J.S. had been inaccurate.

Respondent's conduct described above constitutes misrepresentation in violation of N.J.S.A. 45:1-21(b) and constitutes a violation of the Board's Sexual Misconduct Regulation, N.J.A.C. 13:35-6.3 thereby demonstrating professional misconduct in violation of N.J.S.A. 45:1-21(e).

The Board finding the within disposition to be adequately protective of the public health, safety and welfare, and it appearing that good cause exists for the entry of the within Order,

IT IS, therefore, on this 18th day of December, 2001,
ORDERED THAT:

1. Respondent, Blair Beltzer, M.D., is hereby suspended from the practice of medicine and surgery in New Jersey for a period of two (2) years; the first three months of which shall be served as active suspension and the remaining twenty one (21) months to be stayed and served as a period of probation. During the period of active suspension, Respondent shall observe the provisions of the directives for Medical Board licensees whose licenses have been suspended or revoked, a copy of which is attached hereto and made a part hereof. Said suspension shall take effect on January 1, 2002.

2. Respondent shall, within the twelve months following entry of this Order, take and successfully complete an ethics course approved in advance by the Board. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservations.

3. Respondent shall continue therapy as recommended by his treatment provider(s) and provide quarterly reports to the Medical Director of the Board of Medical Examiners.

4. Commencing April 1, 2002, Respondent shall be required to have a chaperone approved by the Board present whenever he examines a female patient until he is released from therapy, for a minimum of nine months.

5. Respondent shall pay a civil penalty in the amount of \$5,000.00 and costs in the amount of \$622.00. Said civil penalties and costs shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey, and paid by Respondent in six (6) monthly installments of nine hundred fifty two dollars and nine cents (\$952.09), including the statutory interest rate of five and a half percent (5.5%), pursuant to the provisions of R. 4:42-11 and shall be paid on or before the thirtieth (30th) day of each month, commencing December 30, 2001, and ending no later than May 30, 2002. The total amount to be paid by Respondent under the terms of this Order is \$5,712.53, including interest in the amount of \$90.53. Any failure by Respondent to make payments under the

terms of this Order shall accelerate Respondent's total debt to the Board.

6. Said payments for civil penalties and costs shall be made by certified check or money order and made payable to the Board of Medical Examiners and shall be submitted to William Roeder, Executive Director of the Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: William V. Harrer M.D.
William V. Harrer, M.D., B.L.D., 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.

Blair R. Beltzer
Blair Beltzer, M.D.

Consented to as to form and entry

Joseph M. Gorrell
Joseph M. Gorrell, Esq.
Attorney for Respondent

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

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

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 any health care 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.)

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 record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

Blair R. Beltzer, M.D.
NJ License #MA50889

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number¹: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

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

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

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.