

FILED

January 16, 2002
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

6443

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

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

JAMES R. HILTON, JR., D.O.
License No. MB 59890

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, James R. Hilton, Jr., D.O., License No. MB 59890, is a physician licensed in the State of New Jersey and has been a licensee at all times relevant hereto. As a consequence of Respondent's failure to submit his biennial renewal in 1995, Respondent's license to practice medicine in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1 and could be restored pursuant to the statute upon payment of a fee.

2. On or about July 28, 2000 respondent was notified by the Program Support Center of the Department of Health and Human Services (DHHS) that failure to repay his Health Education Assistance Loan, or to enter into an agreement to repay the debt, would result in respondent's exclusion from participation in the Medicare program. Thereafter, on October 31, 2000, respondent was informed that because of his failure to adhere to the July 28, 2000 notification, and according to the authority delegated to the Inspector General by the Secretary of DHHS, respondent was excluded from participation in the Medicare Program pursuant to Section 1892 of the Social Security Act. Additionally, respondent was excluded from participation in the Medicare, Medicaid and all Federal health care programs as defined in section 1128B(f) of the Act. These exclusions became effective 20 days from the October 31, 2000 notification letter.

3. As a result, respondent has been excluded from participation in the Medicare, Medicaid and all Federal health care programs. A copy of a letter dated October 31, 2000 from the Department of Health & Human Services is attached as Exhibit A.

CONCLUSIONS OF LAW

1. The above action provides grounds for a reprimand and the suspension of Respondent's license to practice medicine and surgery in New Jersey in that it is based on findings that would give rise to discipline in this State for misconduct related to failure to

repay his Health Education Assistance Loan or enter into an agreement to repay the debt pursuant to N.J.S.A. 18A:71C-19, N.J.S.A. 45:1-21(e) and N.J.S.A. 45:1-21(g).

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license to practice medicine and surgery in the State of New Jersey was entered on September 19, 2001 and a copy was forwarded to respondent at his last known address, in Vineland, New Jersey, on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The Provisional Orders sent by means of certified mail and regular mail were returned as "not deliverable as addressed - unable to forward" and "forwarding order expired", respectively. Because the Order was forwarded to respondent's addresses of record, the Board deems service to have been effected.

Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 16th day of January,
~~2001~~²⁰⁰², ORDERED that:

1. Respondent's license to practice medicine in the State of New Jersey be and hereby is suspended until repayment of the Health Education Assistance Loan or an agreement to repay the debt has been executed by all appropriate parties.

2. Respondent shall be and hereby is reprimanded.

3. Prior to resuming active practice in New Jersey, Respondent shall provide adequate documentation demonstrating that he has successfully completed an ethics course.

4. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice, and any practice in this State prior to said appearance shall constitute grounds for the a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



William V. Harrer, M.D., B.L.D.
Board President



OCT 31 2000

James R. Hilton, Jr., D.O.
28 Brockton Court
Beacon Falls, CT 06403

Dear Dr. Hilton:

RE: OI File Number H-00-40365-4
Agency Claim Number HHRS-50114141

By letter dated July 28, 2000, you were notified by the Program Support Center (PSC) of the Department of Health and Human Services (DHHS) that as a result of your failure to repay your Health Education Assistance Loan or to enter into an agreement to repay the debt, you would be excluded from participation in the Medicare program. This letter is to notify you that, according to the authority delegated to the Inspector General by the Secretary of DHHS, you are being excluded from participation in the Medicare program pursuant to section 1892 of the Social Security Act (Act) (42 U.S.C. 1395ccc). In addition, pursuant to the authority contained in section 1128(b)(14) of the Act, you are also being excluded from participation in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Act. These exclusions are effective 20 days from the date of this letter and will remain in effect until your debt has been completely satisfied.

A detailed explanation of the authority for this exclusion, its effect, the right to waiver, and your appeal rights is enclosed and is incorporated as part of this notice by specific reference. You should read this document carefully, act upon it as necessary, and retain it for future reference.

Should you wish to negotiate an agreement to repay your debt, please contact the United States Attorney's office shown below.

Obtaining a provider number from a Medicare contractor or Medicaid State agency does not reinstate your eligibility to participate in those programs.

Sincerely,

M. Joanne Lanahan
Reviewing Official
Health Care Program Exclusions
Office of Counsel to the Inspector General

Enclosure

cc:
United States Attorney
Attn: Financial Litigation Unit
Connecticut Financial Center
157 Church Street, 24th Floor
New Haven, CT 06510