

FILED

January 29, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

5785

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

RANDOLPH SCHUTZ
License No. MA 45230

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 Randolph M. Schutz, M.D., is a physician in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent surrendered his license to practice medicine in New York State on or about October 28, 1998. In return for being allowed to surrender his license, respondent agreed not to contest 23 specifications of professional misconduct contained in a Statement of Charges filed against him.

3. It was alleged in the Statement of Charges that respondent prescribed Prozac, Valium, Xanax and Percocet to Patient A inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the prescriptions were for other than a proper medical purpose. It was alleged that he prescribed Prozac, Valium, Xanax and Percocet to Patient B, an addict, inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the prescriptions were for other than a proper medical purpose. It was charged that respondent prescribed Percocet for Patient C, an addict, inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the prescriptions were for other than a proper medical purpose. It was charged that respondent prescribed Percocet for Patient D, an addict, inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the prescriptions were for other than a proper medical purpose. It was alleged that respondent prescribed Prozac, Valium, Xanax and Percocet for Patient E, an addict, inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the prescriptions were for other than a proper medical purpose; that he prescribed Xanax and Percocet to Patient F, an addict, inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the

prescriptions were for other than a proper medical purpose; that he prescribed Prozac, Xanax and Percocet for Patient G, an addict, inappropriately, without adequate evaluation, and not for a proper medical purpose, knowing and intending that the prescriptions were for other than a proper medical purpose. (Copy of Statement of Charges attached hereto and made a part hereof.)

CONCLUSIONS OF LAW

Respondent's surrender of his license to practice medicine in the State of New York and his agreement not to contest 23 specifications of professional misconduct is tantamount to the revocation of his license, and provides grounds for the suspension or revocation of his license to practice medicine in New Jersey pursuant to N.J.S.A 45:1-21 (g).

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Board on March 17, 2000 and served upon Respondent. The POD was subject to finalization by the Board at 5:00 Pm on the 30th business day following entry unless Respondent requested 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.

Respondent was served with copies of the POD by regular and certified mail, to his most recent address, 4-10 Bogardus Place, #3A, New York, New York 10040 and 31 Monroe Place, Brooklyn, New York 11201, the most recent addresses supplied to the Board pursuant to N.J.A.C. 13:35-6.19, which requires all licensees to notify the Board in writing of any change in address. The certified mail sent to the Bogardus address was returned to the Board office marked "unclaimed." The regular mail sent to the Bogardus address was not returned to the Board as undeliverable. The green receipt card sent to the Monroe Place address was signed by respondent and returned to the Board office. The regular mail sent to the Monroe Place address was not returned to the Board office.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 29th day of January, 2002 ORDERED that Respondent's license to practice medicine and surgery in the State of New Jersey is hereby revoked.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

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



Dennis P. Whalen
Executive Deputy Commissioner

New York State Board for Professional Medical Conduct
433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

November 3, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Randolph M. Schutz, M.D.
4-10 Bogardus Place, Apt. 3A
New York, New York 10040

RE: License No. 132079

Dear Dr. Schutz:

Enclosed please find Order #BPMC 98-255 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **November 3, 1998.**

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Ronald C. Minkoff, Esq.
Beldock, Levine & Hoffman, LLP
99 Park Avenue
New York, New York 10016-1503

Steven Fondulis, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RANDOLPH MALCOM SCHUTZ, M.D.

SURRENDER
OF
LICENSE
BPMC #98-255

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

Randolph Malcom Schutz, M.D., being duly sworn, deposes and says:

On or about September 9, 1977, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 132079 by the New York State Education Department.

My current address is 4-10 Bogardus Pl., Apt. 3A, N.Y., N.Y. 10040 , and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with twenty three (23) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

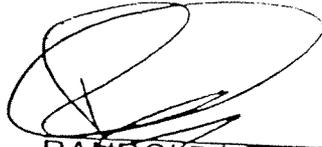
I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the allegations of misconduct referred to in the factual allegations and specification of charges contained in the above mentioned Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.



RANDOLPH MALCOM SCHUTZ, M.D.
RESPONDENT

SWORN TO BEFORE ME THIS
22nd DAY OF Sept., 1998.

Ronald Stuebel
(NOTARY)

RONALD C. MINKOFF
NOTARY PUBLIC, State of New York
No. 03-4864631
Qualified in Bronx County
Commission Expires June 16, 2000

The undersigned agree to the application of Randolph Malcom Schutz, M.D. to
surrender his license.

Date: 9/22/98

Ronald Stuebel
RONALD C. MINKOFF, ESQ.
Attorney for Respondent

Date: 10/15/98

Steve Fondulis
STEVE FONDULIS, ESQ.
Associate Counsel
Bureau of Professional
Medical Conduct

Date: October 19, 1998

Anne Saile
ANNE F. SAILE
Director
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RANDOLPH MALCOM SCHUTZ, M.D.

SURRENDER
ORDER

Upon the proposed agreement of Randolph Malcom Schutz, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Surrender Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/28/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
RANDOLPH MALCOM SCHUTZ, M.D.

STATEMENT
OF
CHARGES

Randolph Malcom Schutz, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 9, 1977, by the issuance of license number 132079 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A between August 22, 1995 and October 20, 1997. Respondent prescribed Prozac, Valium, Xanax, and Percocet to this patient, who was an addict.
1. Respondent failed to adequately evaluate this patient.
 2. Respondents' prescribing of Prozac, Valium, Xanax, and Percocet was inappropriate.
 3. Respondents' prescribing of Prozac, Valium, Xanax, and Percocet was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued was (were) for other than a proper medical purpose.
- B. Respondent treated Patient B between March 12, 1996 and July 7, 1997. Respondent prescribed Prozac, Valium, Xanax, and Percocet to this patient, who was an addict.
1. Respondent failed to adequately evaluate this patient.
 2. Respondents' prescribing of Prozac, Valium, Xanax, and Percocet was

inappropriate.

3. Respondents' prescribing of Prozac, Valium, Xanax, and Percocet was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued was (were) for other than a proper medical purpose.

C. Respondent treated Patient C between October 28, 1996 and April 24, 1997. Respondent prescribed Percocet to this Patient, who was an addict.

1. Respondent failed to adequately evaluate this patient.
2. Respondents' prescribing of Percocet was inappropriate.
3. Respondents' prescribing of Percocet was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued was (were) for other than a proper medical purpose.

D. Respondent treated Patient D between August 20, 1996 and March 6, 1997. Respondent prescribed Percocet and Xanax to this patient, who is an addict.

1. Respondent failed to adequately evaluate this patient.
2. Respondents' prescribing of Percocet and Xanax was inappropriate.
3. Respondents' prescribing of Percocet and Xanax was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued was (were) for other than a proper medical purpose.

E. Respondent treated Patient E between May 16, 1996 and February 6, 1997. Respondent prescribed Prozac, Valium, Xanax, and Percocet to this patient, who was an addict.

1. Respondent failed to adequately evaluate this patient.
2. Respondents' prescribing of Prozac, Valium, Xanax, and Percocet was inappropriate.
3. Respondents' prescribing of Prozac, Valium, Xanax, and Percocet was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued was (were) for other than a proper medical purpose.

F. Respondent treated Patient F between July 15, 1996 and March 24, 1997. Respondent prescribed Xanax and Percocet to this patient, who was an addict.

1. Respondent failed to adequately evaluate this patient.
2. Respondents' prescribing of Xanax and Percocet was inappropriate.
3. Respondents' prescribing of Xanax and Percocet was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued was (were) for other than a proper medical purpose.

G. Respondent treated Patient G between June 27, 1996 and December 16, 1996. Respondent prescribed Prozac, Xanax, and Percocet to this patient, who was an addict.

1. Respondent failed to adequately evaluate this patient.
2. Respondents' prescribing of Prozac, Xanax, and Percocet was inappropriate.
3. Respondents' prescribing of Prozac, Xanax, and Percocet was not for a proper medical purpose.
 - a. Respondent knew and intended that the prescription(s) he issued

was (were) for other than a proper medical purpose.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) by practicing the profession of medicine with negligence on more than one occasion, as alleged in the facts of two or more of the following:

1. Paragraphs A, A.1., A.2., B, B.1., B.2., C, C.1., C.2., D, D.1, D.2., E, E.1., E.2., F, F.1., F.2., G, G.1., G.2.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1998) by practicing the profession of medicine with incompetence on more than one occasion, as alleged in the facts of two or more of the following:

2. Paragraphs A, A.1., A.2., B, B.1., B.2., C, C.1., C.2., D, D.1., D.2., E, E.1., E.2., F, F.1., F.2., G, G.1., G.2.

THIRD THROUGH NINTH SPECIFICATIONS
PRACTICING BEYOND THE SCOPE PERMITTED BY LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(24)(McKinney Supp. 1998) by practicing the profession of medicine beyond the scope permitted by law, as alleged in the facts of:

3. A & A.3.
4. B & B.3.
5. C & C.3.
6. D & D.3.
7. E & E.3.
8. F & F.3.
9. G & G.3.

TENTH THROUGH SIXTEENTH SPECIFICATIONS
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine fraudulently, as alleged in the facts of the following:

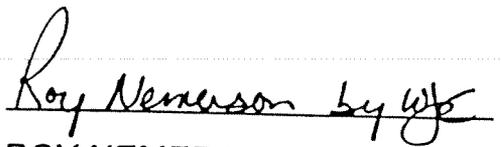
10. A. and A.3.a.
11. B. and B.3.a.
12. C. and C.3.a.
13. D. and D.3.a.
14. E. and E.3.a.
15. F. and F.3.a.
16. G. and G.3.a.

SEVENTEENTH THROUGH TWENTY THIRD SPECIFICATIONS
PRACTICING THE PROFESSION BEYOND ITS AUTHORIZED SCOPE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine beyond its authorized scope, as alleged in the facts of the following:

17. A. and A.3.
18. B. and B.3.
19. C. and C.3.
20. D. and D.3.
21. E. and E.3.
22. F. and F.3.
23. G. and G.3.

DATED: ~~October 15~~
~~May~~, 1998
New York, New York


ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct