

**FILED**

Dec 30, 2002

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

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	:	Administrative Action
	:	
STEWART FOREMAN, D.O.	:	FINAL ORDER OF
License No. MB 024089	:	DISCIPLINE
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

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, Stewart Foreman, D.O., License No. MB 024089, is a physician licensed in the State of New Jersey. As a consequence of respondent's failure to submit his biennial renewal in 1999, 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, which allows for reinstatement upon payment of certain fees.

2. On September 20, 2000, a Consent Agreement and Order was entered between respondent and the Pennsylvania State Board of Osteopathic Medicine. Specifically, respondent admitted that on three separate occasions, from June through September of 1998, Patient A went to respondent's office where she and respondent had

**CERTIFIED TRUE COPY**

significant sexual contact unrelated to treatment. On September 16, 1998, respondent sent electronic mail to Patient A which expressed his romantic sentiments for her. From September 16, 1998 through December 6, 1998, respondent and Patient A exchanged e-mail expressing a romantic attachment to each other. On November 3, 1998, respondent and Patient A engaged in consensual intercourse in respondent's office.

3. As a result, the Consent Order suspended respondent's license for a period of two years and assessed a civil penalty in the amount of \$1000. Further, the Consent Order stated that respondent was to cease and desist from the practice of the profession, and was not to represent himself as a board licensee in any matter during the active period of suspension. Following the period of one year, the remaining year of the suspension was to be stayed and served as a probation period.

4. Based on the Pennsylvania action, a Surrender Order was entered between respondent and the New York State Board for Professional Medical Conduct wherein respondent surrendered his license as a physician in New York.

#### CONCLUSIONS OF LAW

1. The above Pennsylvania and New York actions provide grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), since it has been conclusively established that respondent engaged in professional misconduct.

2. The above Pennsylvania and New York actions provide grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(g), in that his license to practice medicine in Pennsylvania has been suspended, and the New York surrender is tantamount to a revocation. Both actions rise to the level of conduct which would be violations of New Jersey law.

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 August 1, 2002 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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 Order sent by means of certified mail and regular mail was returned by the Post Office marked "undeliverable as addressed" and not deliverable as addressed-unable to forward", respectively. Because the order was forwarded to respondent's

address of record, the Board deems service is to have been effected. Accordingly, it is determined that further proceedings were not necessary and that the provisional order should be made final.

ACCORDINGLY, IT IS on this 30th day of Dec, 2002, ORDERED that:

Respondent's license to practice medicine in the State of New Jersey is hereby revoked.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By:

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

**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.)

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/her 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. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. 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 and Limited Liability Companies**

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). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. 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 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.

**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 Number<sup>1</sup>: \_\_\_\_\_

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

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

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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).

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<sup>1</sup> 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.



*New York State Board for Professional Medical Conduct*

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office of Professional Medical Conduct

William P. Dillon, M.D.  
Chair

Denise M. Botan, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

June 14, 2001

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Stewart B. Foreman, D.O.  
39 Island Drive  
Boynton, FL 33436

RE: License No. 106604

Dear Dr. Foreman:

Enclosed please find Order #BPMC 01-145 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 14, 2001.

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 to 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: Robert Bogan, Esq.

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

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IN THE MATTER

OF

STEWART B. FOREMAN, D.O.  
CO-01-04-1693-A

SURRENDER

ORDER

BPMC No. 01-145

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STEWART B. FOREMAN, D.O. says:

On or about July 16, 1970, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 106604 by the New York State Education Department. I currently reside at 39 Island Drive, Boynton Beach, FL 33436.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) 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 an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

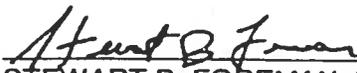
I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: MAY 23, 2001

  
STEWART B. FOREMAN, D.O.  
Respondent

AGREED TO:

Date: 17 June, 2001

  
ROBERT BOGDAN  
Associate Counsel  
Bureau of Professional Medical  
Conduct

Date: 7 June, 2001

  
DENNIS GRAZIANO  
Director, Office of Professional  
Medical Conduct

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

OF

STEWART B. FOREMAN, D.O.,  
CO-01-04-1693-A

STATEMENT

OF

CHARGES

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STEWART B. FOREMAN, D.O., the Respondent, was authorized to practice medicine in New York state on July 16, 1970, by the issuance of license number 106604 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 10, 2001, the Commonwealth of Pennsylvania, Department of State, State Board of Osteopathic Medicine, (hereinafter "Pennsylvania Board"), by a Consent Agreement and Order (hereinafter "Pennsylvania Order"), suspended Respondent's license to practice medicine for two (2) years, the suspension is to be stayed at the end of one (1) year, to be served as (1) year probation with terms and conditions, and imposed a \$1,000.00 civil penalty, based on having had sexual relations with a patient.

B. The conduct resulting in the Pennsylvania Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
2. New York Education Law §6530(20) (moral unfitness).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having had other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *May 30*, 2001  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

**ORDER**

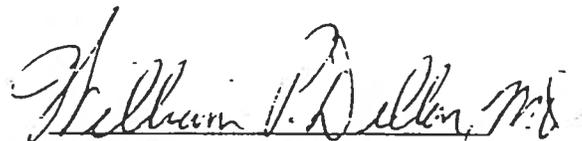
Upon the proposed agreement of **STEWART B. FOREMAN, D.O.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

ORDERED, that the name of the 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 to Respondent at the addresses set forth in this agreement, or to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 6/11, 2001

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF MEDICAL EXAMINERS

140 EAST FRONT STREET, 2ND FLOOR, TRENTON, NJ

DONALD T. DiFRANCESCO  
Acting Governor

JOHN J. FARMER, JR.  
Attorney General  
MARK S. HERR  
Director

Mailing Address:

P.O. Box 183  
Trenton, NJ 08625  
(609) 826-7100

August 27, 2001

Executive Director  
Pennsylvania Board of Medicine  
P.O. Box 2649  
Harrisburg, PA 17105-2649

**RE: Stewart Barry Foreman, D.O.**

Dear Executive Director:

Information from the Federation of State Medical Boards reflects that your State has taken disciplinary action against the above-captioned New Jersey licensed physician. **If your action is based on a New Jersey action, please notify us by signing and returning the enclosed copy of this letter.**

If your action is not based on a New Jersey action, please provide certified true copies of all documentation pertaining to this specific action to include but not be limited to a Complaint or Statement of Accusation and a Final Order. When providing this information, please indicate this licensee's date of birth, social security number and current address of record with your Board.

Thank you for your cooperation

Very truly yours,

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

William V. Roeder  
Executive Director

The Action Taken in this Jurisdiction  
was based upon a New Jersey Action.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF OSTEOPATHIC MEDICINE  
P.O. BOX 2649  
HARRISBURG, PENNSYLVANIA 17105  
717-783-4858

FAX: (717) 787-7769  
WWW.DOS.STATE.PA.US

August 30, 2001

To Whom It May Concern:

As custodian of records for the Pennsylvania State Board of Osteopathic Medicine, I certify the enclosed Consent Agreement and Order is a true copy of the information contained in the file of Stewart B. Foreman, D.O.

A handwritten signature in cursive script, appearing to read "Gina Bittner", written over a horizontal line.

Gina Bittner  
Administrator  
State Board of Osteopathic Medicine

(Seal)

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF OSTEOPATHIC MEDICINE

Department of State  
Professional Registry

Commonwealth of Pennsylvania, :  
Bureau of Professional and :  
Occupational Affairs :  
vs. : Docket No. 0184-53-C1  
Stewart B. Foreman, D.O., : File No. 99-53-02288  
Respondent :

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Osteopathic Medicine pursuant to the Osteopathic Medical Practice Act, Act of October 5, 1978, P.L. 1109, No. 261, as amended ("Act"), 63 P.S. §271.1 et seq.

2. At all relevant and material times, Stewart B Foreman, D.O. ("Respondent") held a license to practice osteopathic medicine in the Commonwealth of Pennsylvania, License No. OS-002699-L.

3. The Respondent admits that the following facts are true:  
a. Respondent's license is current through October 31, 2000 and may be renewed thereafter upon the filing of

the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 19 Calvert Circle, Paoli, PA 19301.

c. Patient A is a female born on July 31, 1977.

d. Respondent became Patient A's physician when she was a child.

e. Patient A alleges that in June 1998, she went to Respondent's office where she had significant sexual contact with Respondent unrelated to treatment.

f. Patient A alleges that in August 1998, she went to Respondent's office where she had significant sexual contact with Respondent unrelated to treatment.

g. Patient A alleges that on September 1998, she went to Respondent's office where she had significant sexual contact with Respondent unrelated to treatment.

h. On September 16, 1998, Respondent sent electronic mail to Patient A which expressed his romantic sentiments for her.

i. From September 16, 1998 through December 6, 1998, Respondent and Patient A exchanged e-mail expressing a romantic attachment to each other.

j. On November 3, 1998, Respondent and Patient A engaged in consensual sexual intercourse in Respondent's office.

4. The activities of Respondent, described above, violated the Act at 63 P.S. §§271.15(a)(8) in that Respondent had a sexual relationship with Patient A.

5. The parties consent to the issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §§271.15(a)(8).

b. Respondent is assessed a civil penalty of \$1,000.

c. Respondent's license, No. OS-002699-L, is **SUSPENDED** for a period of two years.

d. Respondent shall immediately, upon adoption of this Consent Agreement and Order, cease and desist from the practice of the profession, and shall not represent himself as a board licensee in any matter during the active period of suspension;

e. Respondent shall, within 10 days of adoption of this Consent Agreement and Order, surrender Respondent's

wall certificate, registration certificate and wallet card by mailing them or delivering them in person to:

Prosecuting Attorney  
116 Pine Street  
P.O. Box 2649  
Harrisburg, PA 17105-2649

f. Following a period of one year, the remaining one year of the Suspension is to be **STAYED** in favor of **PROBATION** for a period of one (1) year subject to the following terms and conditions:

GENERAL

(1) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice. Provided, however, summary traffic violations shall not constitute a violation of this Order;

(2) Respondent shall at all times cooperate with the Bureau of Professional and

Occupational Affairs ("Bureau"), any of its agents or employees and the Bureau of Enforcement and Investigation ("BEI") and its agents and employees, in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Order, including Respondent causing to be submitted at his own expense written reports, records and verifications of actions that may be required by the Bureau, BEI or any of its agents or employees;

(3) Respondent's failure to fully cooperate with and successfully comply with the terms and conditions of this probation shall be deemed a violation of this Consent Agreement and Order;

(4) Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order;

(5) Respondent may not be absent from the Commonwealth of Pennsylvania for any period exceeding twenty (20) days unless

Respondent seeks and receives prior written permission from the prosecuting attorney, subject to any additional terms and conditions required by the prosecuting attorney;

(6) Respondent shall notify BEI, in writing, within twenty (20) days of the filing of any criminal charges, the initiation of any other legal action pertaining to the practice of Respondent's profession, the initiation, action, restriction or limitation relating to Respondent by the professional licensing authority of any state or jurisdiction, or the Drug Enforcement Agency of the U.S. Department of Justice, or any investigation, action, restriction or limitation relating to Respondent's privileges to practice a health care profession at any health care facility;

(7) Respondent shall notify BEI by telephone within 72 hours and in writing within ten (10) days of the change of his home address, phone number, place(s) of employment and/or practice;

VIOLATION OF THIS ORDER

g. Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the entire period of suspension of Respondent's license to practice osteopathic medicine in the Commonwealth of Pennsylvania as follows:

(1) The prosecuting attorney for the Commonwealth shall file with the Board a Petition which indicates that Respondent has violated any terms or conditions of this Consent Agreement and Order;

(2) Upon a probable cause determination that Respondent has violated any of the terms or conditions of this Consent Agreement and Order, the Board shall, without holding a formal hearing, issue a preliminary order vacating the stay of the suspension in this matter, terminating the period of probation and activating the entire period of suspension of Respondent's license;

(3) Respondent shall be notified of the Board's Preliminary Order within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Board;

(4) Within twenty (20) days of mailing of the notification of the Board's action, Respondent may answer the Commonwealth's Petition and request that a formal hearing be convened concerning Respondent's violation of probation, in which Respondent may seek relief from the Preliminary Order activating the suspension. Respondent shall serve the prosecuting attorney for the Commonwealth with a copy of the answer and all subsequent filings in this matter;

(5) If a request for a formal hearing is received from Respondent, the Board shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing;

(6) If Respondent files an answer and request for a hearing within the twenty (20) day period, the Preliminary Order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to Respondent after holding the formal hearing;

(7) The facts and averments in this Consent Agreement and Order shall be deemed admitted and uncontested at this hearing;

(8) If the Board after such hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate;

(9) If a request for a formal hearing is not received from Respondent within the prescribed twenty (20) day period, the Board's Preliminary Order shall become a Final Order twenty (20) days after the date of its mailing;

h. If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to practicing the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent;

i. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action;

j. Nothing in this Order shall preclude the Prosecuting Attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

k. Upon successful completion of probation, Respondent may petition the Board to reinstate Respondent's license to unrestricted, non-probationary status upon an affirmative showing that Respondent has complied with all terms and conditions and that Respondent can practice with reasonable skill and safety to patients.

1. This case shall be deemed settled and discontinued upon Board adoption of the Consent Agreement;

m. This Order shall take effect immediately upon Board adoption of the Consent Agreement.

6. Respondent's execution of this Consent Agreement shall also constitute a release for any employment, peer review or review records pertaining to Respondent's practice of the profession to the Prosecuting Attorney, the Bureau and BEI.

7. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; the right to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

8. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

9. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

10. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

11. This agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

12. Respondent understands that the Board Order in this case will be reported to the National Practitioners Data Bank.

13. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to

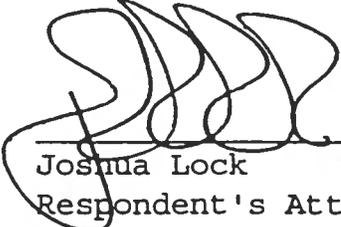
the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn  
falsification to authorities.

B. A. Cero  
Benjamin A Cero  
Prosecuting Attorney  
Bureau of Professional and  
Occupational Affairs

DATED: 9/20/00

Stewart B Foreman  
Stewart B Foreman, D.O.  
Respondent

DATED:

  
Joshua Lock  
Respondent's Attorney

DATED: 9/18/00

10/20/01

ORDER

AND NOW, this 10<sup>TH</sup> day of JANUARY, 2001, the State Board of Osteopathic Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

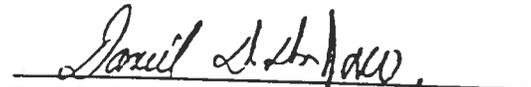
This Order shall take effect immediately.

BY ORDER:

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

STATE BOARD OF OSTEOPATHIC MEDICINE

  
Albert H. Masland  
Acting Commissioner

  
Daniel D. Dowd, Jr., D.O.  
Chairperson

Date of Mailing:

For the Commonwealth:

Benjamin A Cero  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

Joshua Lock  
PO Box 1268  
320 Market Street  
Goldberg Katzman Shipman  
Harrisburg, PA 17108

BAC/arh