



concerning the events which occurred leading to his arrest and conviction. Respondent admitted in his testimony before the Board that, prior to his arrest and after he was released from his 12 month period of incarceration in 1994, he used illegal drugs, including cocaine and methamphetamine. He further testified that he had intermittent use of cocaine until February 1999 when coincident with his acceptance into the Physician Assistant Program at Beaver College (Arcadia University), he ceased using cocaine. Respondent testified that he had contact with a counselor at Beaver College who was a major influence in his recovery. He received his Physician Assistant degree in 2001.

Respondent enrolled in the Physicians' Health Program of the Medical Society of New Jersey (the "PHP") on October 31, 2002. Within the PHP position statement, it is noted that respondent completed 60 hours of a Drug Education Program and Alcoholics Anonymous in 1994. It is further noted that while respondent has been absolutely abstinent from all psychoactive substances since February 1999, unfortunately there was no urine monitoring during this period to document respondent's sobriety. Since respondent enrolled in the PHP he has had twice-weekly urine screens with negative results for the presence of psychoactive substances. The PHP represented that respondent is a suitable candidate for licensure in New Jersey. The Board has determined that respondent Peter Petner, P.A. has rehabilitated himself and may

presently be licensed to practice as a physician assistant in New Jersey, notwithstanding his prior conviction. However, the Board concludes that as a condition of licensure, respondent will be required to participate in a monitoring program with the PHP.

The Board being satisfied that the public interest is adequately protected by the entry of the within Order, and that good cause exists for entry of the within Order,

IT IS ON THIS 17TH DAY OF APRIL, 2003,

ORDERED AND AGREED THAT:

1. Gary Petner, P.A. shall maintain absolute abstinence from all psychoactive substances and alcohol unless prescribed by a treating physician for a documented-medical condition and in the usual course of the treating physician's medical practice with notification to the Medical Director of the Physicians' Health Program.

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2. Gary Petner, P.A. shall submit to weekly random urine monitoring under the auspices of the Physicians' Health Program for the first six months of licensure in New Jersey with future reduction commensurate with his state of recovery at the discretion of the Medical Director of the PHP with notice to the Medical Director of the Board.
3. Gary Petner, P.A. shall become knowledgeable about any and all foods or food additives or other products

which may confound the validity of urine screening and shall refrain from ingesting or otherwise using or employing any such product.

4. Gary Petner, P.A. shall comply with face-to-face visits with a representative of the Physicians' Health Program on a monthly basis for the first year of licensure and then at the discretion of the Medical Director of the PHP with notice to the Medical Director of the Board at a frequency consistent with his duration in recovery.

5. Gary Petner, P.A. shall be responsible to ensure that the Physicians' Health Program supplies quarterly reports to the Board regarding his progress. The first report shall be filed within one month of the execution of this Consent Order. An immediate (within 24 hours of awareness) report both orally and in writing, shall be made by the PHP to the Board of any information that Gary Petner, P.A. engaged in any violation of any laws regarding controlled dangerous substances or any positive urine screen or failure to appear for the urine monitoring. Further, Gary Petner, P.A. expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosure by the PHP to the Board.

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6. Gary Petner, P.A. hereby consents to the PHP reporting to the Board any indication of a slip, relapse, non-compliance with the recovery program or any use of psychoactive substances or alcohol unless prescribed by a treating physician. There is to be immediate notification, by name, to the Board's Executive Director and Medical Director. In the event, upon the Board's receipt of any information which the Board in its sole discretion deems reliable, that Gary Petner, P.A. has materially failed to comply with any of the conditions set forth above, or any report of a confirmed positive urine, or a prima facie showing of any abuse, possession

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or distribution of psychoactive substances, alcohol or CDS, Gary Petner, P.A. consents to the entry of an Order resulting in the immediate automatic temporary suspension of license. Said suspension is to be memorialized in a public State Board of Medical Examiners' Order.

7. Gary Petner, P.A. shall have the right to apply for removal of the automatic suspension on two (2) day's notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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

I have read and understand  
the within Consent Order and  
agree to be bound by its terms.  
Consent is hereby given to the  
Board to enter this Order.

Gary Pether, P.A.  
Gary Pether, P.A.

L. E. Baxter  
Dr. Louis E. Baxter, M.D., F.A.S.A.M.  
Executive Medical Director  
Physicians' Health Program