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FILED

December 1, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
OAL DOCKET NO. BDSME 05413-2003N

IN THE MATTER OF THE LICENSE OF :
: Administrative Action
RALPH E. GARRITANU, M.D. : CONSENT ORDER
LICENSE NO. MA21869 : OF PERMANENT RETIREMENT
: OF LICENSE
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :
.

This matter was **opened** to the New Jersey State Board of **Medical** Examiners (hereinafter the "Board") by way of Verified Administrative Complaint filed on March 31, 1999, by Peter Verniero, Attorney General of New Jersey, **Hakima** Bey-Lawson, Deputy Attorney General appearing. The Complaint and accompanying documents **sought** emergent **relief** by way of **temporary** suspension of **license** pursuant to N.J.S.A. 45:1-22, and requested disciplinary sanctions against Ralph E. Garritano, M.D. (hereinafter the "Respondent") alleging, inter alia, violations of N.J.S.A. 45:1-21

CERTIFIED TRUE COPY

(b), (c), (d), and (e). Following a hearing on the Attorney General's application for emergent relief, on April 14, 1999, the Board entered an Order temporarily suspending Respondent from practicing medicine and surgery pending a plenary hearing. Respondent filed an Answer to the Complaint in which he denied the allegations thus rendering the matter a contested case as defined by N.J.S.A. 52:14B-1, et seq.

Thereafter, the Board transmitted the matter to the Office of Administrative Law for a plenary hearing wherein the matter was assigned to the Honorable Edith Klinger, A.L.J. Respondent now seeks leave to voluntarily, permanently retire his license to practice medicine and surgery in the State of New Jersey.

The parties being desirous of resolving this matter without further formal proceedings and the Board finding the within Order adequately protective of the public health, safety and welfare, and for good cause having been shown,

IT IS on this 12th day of November, 2003

ORDERED AND AGREED:

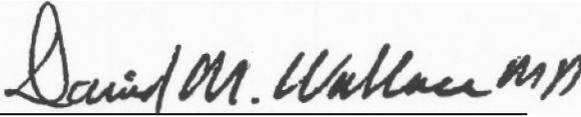
1. Respondent, Ralph E. Garritano, M.D., is hereby granted leave and shall voluntarily permanently retire his license to practice medicine and surgery in the State of New Jersey, effective upon the date of this Order.

2. Respondent represents that he shall not re-apply or seek licensure in the State of New Jersey.

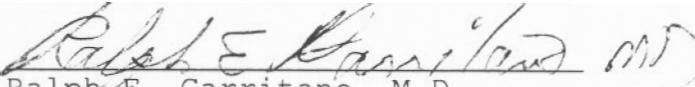
3. Respondent shall **comply** with the **standard** "Directives" of the Board, a copy of which is attached hereto and made a part of the within order.

4. Respondent **shall** return his original New Jersey license, his current biennial registration and his original CDS registration to the New Jersey **State Board** of **Medical** Examiners, **Post** Office Box 183, **Trenton**, New **Jersey** 08608, upon his receipt of a filed copy of this Order.

NEW JERSEY **STATE** BOARD OF
MEDICAL EXAMINERS

By: 
David M. Wallace, M.D.
President

I have read and understood the within Order and agree to **be bound** by its **contents**. Consented to as to form and **entry**.


Ralph E. Garritano, M.D.

**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**.

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.