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FILED

December 15, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Hakima Bey
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
OAL DOCKET NO. BDSMF 01971-02N

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF : Administrative Action
:
ROBERT G. JARMON, M.D. : CONSENT ORDER
License No. MA30161 : OF VOLUNTARY SURRENDER
:
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 **December** 6, 2001, by John J. Farmer, 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 Robert G. Jarmon, M.D. (hereinafter the "Respondent") alleging, inter alia, violations of N.J.A.C. 13:35-

CERTIFIED TRUE COPY

6.3 and N.J.S.A.45:1-21 (c), (d), and (e). Respondent has denied the allegations of **the** Complaint rendering the matter a contested case as **defined by** N.J.S.A. 52:14B-1, et seq.

Following a hearing on **the** Attorney General's application for **emergent** relief, the Board entered **an** Order of Temporary Suspension on December 12, 2001, which restricted respondent from engaging in **the practice of** medicine and surgery pending a plenary hearing. Thereafter, the **Board** transmitted the **matter** to the Office of Administrative Law for a plenary **hearing**. A **hearing** was **scheduled** to commence on December 1, 2003, before the Honorable Edith Klinger, A.L.J., at the Office **of** Administrative Law in Newark, New Jersey.

The respondent desiring to terminate these proceedings, and the Board finding the within Order adequately **protective** of the **public health, safety and welfare,** for the reasons expressed herein and other good cause having **been** shown,

IT IS on this 15th day of December, 2003

ORDERED AND AGREED:

1. Respondent, Robert G. Jarmon, M.D., is hereby granted leave **to** voluntarily **surrender** his **license to practice** medicine and surgery in the State of New Jersey, **to be deemed** a revocation. Respondent **shall** promptly arrange for **delivery** of his engrossed **license** and of his current biennial registration to *the* Board. Respondent shall **observe** the provisions of the **directives** to **any**

licensee whose surrender of **licensure** has been accepted by the Board, a copy of which is attached **hereto** and made a part of the within Order.

2. Respondent shall pay all costs of **the Board** in the amount of \$16,238.74.

3. Said *costs* shall be memorialized in a Certificate **of Debt** duly recorded *in* the State of **New Jersey**, and **paid by** respondent in thirty six (36) monthly installments of four hundred seventy two dollars and twenty four cents (\$472.24), including the statutory **interest** rate of three percent (3.0%), pursuant to the provisions of R. 4:42-11 and shall **be paid on or before the first** (1st) day of each month, commencing December 1, 2003, and ending no later than November 1, 2006. The total **amount to be paid by** the respondent under the terms of this Order is \$17,000.72, which includes interest in the amount of \$761.98. Any failure **by** the respondent to make **payments** under the terms of this Order **shall** accelerate the respondent's total debt to the Board.

4. Said **payments** for *costs* shall **be** made by certified check or money order and made payable to the Board of Medical Examiners. Said payments shall **be** submitted to William Roeder, Executive Director of the Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

5. No application for reinstatement of license to practice medicine and surgery shall be entertained by *the* Board prior to five (5) years from the date of Respondent's temporary suspension of **license on** December 12, 2001.

6. Prior to any application to the Board for reinstatement of license, Respondent **must** fully comply with the following conditions listed below:

a. Respondent must appear before the Board or a committee thereof **to** discuss his readiness to reenter the practice of medicine in New Jersey, to provide the Board with evidence that he **is capable** of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and to propose his plans for future practice in New Jersey.

b. Respondent shall provide **the** Board with reports from each and **every** mental health professional (**including** but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or **treatment** for any disability that he may have during the period of *time* from his entry into **this** Order to his appearance before the Board or a committee of the Board.

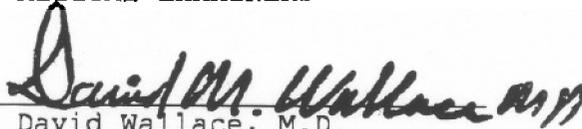
c. Respondent shall provide the Board with a report from the Physicians Health Program detailing the nature and extent of his involvement with that entity if any.

d. No possible application for reinstatement will be considered if Respondent is in arrears on any payment.

7. Satisfaction of the conditions in paragraph 6 shall not serve to ensure any reinstatement of Respondent's license. The Board specifically reserves the right to determine whether restoration of license is appropriate and further reserves the right to impose limitations on Respondent's practice at the time of any possible reinstatement of license, including, but not limited to a restriction preventing resumption of psychiatric practice.

E. This Consent Order resolves all issues that arose in connection with the allegations made by the Attorney General in the Verified Complaint filed in the within matter.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: 
David 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.


Robert G. Jarnon, M.D.

Consented to as to form and entry

Anthony Labue, Esq.

**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 383, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CQS 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**.