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FILED
May 25, 2004
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF **LAW AND PUBLIC SAFETY**
DIVISION OF **CONSUMER AFFAIRS**
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Patrick **Manze**, M.D.
License No.: **MA35074**

TO PRACTICE MEDICINE **AND** SURGERY
IN THE STATE OF NEW JERSEY

CONSENT ORDER

**OF SURRENDER TO BE:
DEEMED A REVOCATION**

This matter was **opened** to the New Jersey **State** Board of Medical Examiners upon **receipt** of information that Respondent **Patrick** Manze, M.D. billed for services not rendered to an individual on two separate occasions for an amount totaling \$2625.00.

Contemporaneously upon entering into this Consent Order with the Board of Medical Examiners. Dr. Manze is entering into a plea agreement with the Office of Insurance Fraud Prosecutor pursuant to which he admits to actions, as described above, constituting one count of third degree Health Care Claims Fraud, in violation of N.J.S.A. 2C:21-4.2 and N.J.S.A. 2C:21-4.3

Respondent acknowledges that his actions constitute violations of N.J.S.A. 45:1-21(b) (e) and (k); **and** demonstrate a failure to fulfill the ongoing statutory requirement of good moral character, which is a requirement of licensure, pursuant to N.J.S.A. 45:9-6. Respondent further acknowledges that

CERTIFIED TRUE COPY

his actions constitute a crime or offense of moral turpitude relating adversely to the activity regulated by the Board in violation of N.J.S.A.45:1-21(f).

Dr. Manze **has** been the subject of Board discipline in the **past**. He voluntarily surrendered his license pursuant to a Consent Order filed with the Board on July 23, 2001. On or about December 11, 2002, Dr. Manze's license **was** reinstated with restrictions pursuant to a Consent Order which also reprimanded him for deficient record keeping.

The parties, having agreed to the resolution of this matter without further formal proceedings, and Respondent having agreed and given his voluntary consent to the within Order, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS, therefore on this 17 day of May, 2004

ORDERED THAT

1. Patrick Manze, M.D. is hereby granted leave to voluntarily surrender his license to practice Medicine and Surgery in the State of New Jersey, effective May 1, 2004. Said surrender shall be deemed a revocation.
2. Dr. **Manze** shall immediately cease and desist from the practice of medicine and surgery in the State of New **Jersey**.
3. Dr. **Manze** shall immediately return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.
4. Dr. Manze shall immediately notify the New Jersey Office of Drug Control **and** the DEA that his license has been **revoked**.

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5. Dr. Manze shall comply with the "Directives Applicable to any Medical Board Licensee who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted," attached hereto and a part hereof.

6. Dr. Manze shall not make any payment to

7. Should Dr. Manze seek re-licensure, he shall appear before the Board or a committee of the Board and shall:

a. show proof of successful completion of a Board approved course in record-keeping; and

b. show proof of successful completion of a Board approved course in ethics; and

provide the Board with his plan for employment including the name of the individual or entity to whom he will be reporting.

8. Any reinstatement of Dr. Manze's license shall be subject to the conditions

deemed appropriate by the Board.

field.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By:

David Wallace M.D.

David Wallace, M.D.
Board President

I have read the within Order and agree to its terms.

Patrick Manze

Patrick Manze, M.D.

I hereby consent to the form and entry of the within Order.

Joseph DiCenzo
Joseph DiCenzo, 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 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 TO THE DIRECTIVES

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': _____

List the **name** and **address** of any and all Health Care Facilities with which you are affiliated:

List the names and **addresses** of any and all Health Maintenance Organizations with which you are affiliated:

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).

¹ 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.