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FILED

June 17, 2004

**NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS**

By: Kay R. Ehrenkrantz
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STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 STATE BOARD OF MEDICAL EXAMINERS
 OAL DOCKET NO .BDSME 04844-2003S

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

Administrative Action

S. RONALD KLINE, M.D.
 License No. MA 15552

**CONSENT ORDER GRANTING
 VOLUNTARY SURRENDER AND
 PERMANENT RETIREMENT OF
 LICENSURE**

TO PRACTICE MEDICINE AND
 SURGERY IN THE STATE OF
 NEW JERSEY

This matter was opened to the State Board of Medical Examiners ("Board"), and following the appearance by Respondent S. Ronald Kline, M.D. ("Respondent") at a Preliminary Evaluation Committee of the Board. In April 2003, the Attorney General filed a Complaint in which it was alleged that the Doctor indiscriminately prescribed CDS, engaged in substandard medical care, and improperly kept records. In June 2003, Respondent filed an Answer denying the allegations. A plenary hearing commenced at the Office of Administrative Law on May 13, 2004, but was not completed as the parties advised the Administrative Law Judge that a settlement had been reached.

CERTIFIED TRUE COPY

Respondent, desiring to resolve the present matter, seeks leave to surrender his license with prejudice and to permanently retire from the practice of medicine.

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 ^{9th} day of June, 2004,

ORDERED:

1. Respondent, S. Ronald Kline, M.D. is hereby granted leave and shall surrender his license to practice medicine and surgery in the State of New Jersey, with prejudice to any future reapplication, by August 31, 2004. Said surrender shall constitute the permanent voluntary retirement of Respondent's license and is deemed by the Board a revocation of his license.

2. Respondent shall have three (3) months from the date of filing of this Consent Order to wind down his practice. He shall permanently cease and desist the practice of medicine by August 31, 2004. Accordingly, Respondent shall return his current biennial registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183, within ninety (90) days of his receipt of a filed copy of this Order.

3. Respondent voluntarily agrees not to prescribe any CDS to any patient he treats following the entry of this Order. Any violation of this term will result in an immediate penalty of \$1,000.00 for any such prescription on proof of such.

4. Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183, within ninety (90)

days of his receipt of a filed copy of this Order and shall not seek another CDS registration in the future.

5. Respondent shall advise the DEA of this Order and provide proof of such notice to the Board within ninety (90) days.

6. Respondent shall pay investigative and Board costs in the amount of \$ 24,000.00 within one (1) year of the entry of the within Consent Order with interest accruing at the post judgment interest rate as established by New Jersey Court Rule 4:42-11(a)(ii) which is two (2%) percent for the year 2004. Payment shall be submitted by certified check or money order payable to the State of New Jersey. Payment shall be sent via certified mail to William Roeder, Executive Director, Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183. Any failure to timely remit this payment shall result in a filing of a Certificate of Debt by the Board.

7 Respondent shall pay penalties in the amount of \$ 20,000.00 within one (1) year of the entry of the within Consent Order with interest accruing at the post judgment interest rate as established by New Jersey Court Rule 4:42-11(a)(ii) which is two (2%) percent for the year 2004. Payment shall be submitted by certified check or money order payable to the State of New Jersey. Payment shall be sent via certified mail to William Roeder, Executive Director, Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183. Any failure to timely remit this payment shall result in a filing of a Certificate of Debt by the Board

8 Respondent shall comply with the "Directives Applicable To Any Medical Board Licensee Who Is Disciplined Or Whose Surrender Of Licensure Has Been Accepted" which is attached hereto and made a part hereof.

**NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS**

By: 
David Wallace, M.D.
Board President

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

S. Ronald Kline, M.D.

Consented to as to form:

Robert Conroy, Esq.
Attorney for Respondent

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Fax:609-984-9315
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Fax:609-984-9315

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NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

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

I have read and understood the
within Order and agree to be
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hereby given to the Board to
enter this Order.

S. Ronald Kline, M.D.

S. Ronald Kline, M.D.

Consented to as to form:

[Signature]

Robert Conroy, Esq.
Attorney for Respondent

**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 *Past 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

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 entered, 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).

Pursuant to 45 CFR Subtitle A Section 61.7 and 45 GFR 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.