

FILED

JUNE 30, 2004

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
P.O. Box 45029  
Newark, New Jersey 07101

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

NUNC PRO TUNC MARCH 31, 2004

By: Kathy Stroh Mendoza  
Deputy Attorney General  
(973) 648-7454

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS  
DOCKET NO.:

IN THE MATTER OS SUSPENSION OR:  
REVOCAION OF THE LICENSE OF :

Administrative Action

STEPAN E. EPSTEIN, M.D. :  
LICENSE NO. MA18456 :

CONSENT ORDER

TO PRACTICE MEDICINE AND  
SURGERY IN TRE STATE OF  
NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter "the Board") upon receipt of a complaint against Stefan E. Epstein, M.D. ("Respondent") alleging that, Respondent failed to deliver a final autopsy report for more than two years, despite having received payment of \$4,500 in advance.

The Board reviewed the Complaint, correspondence between Complainant and Respondent, an earlier communication between the Board and Dr. Epstein in 1991, a Consent Order filed by the Board on February 1996, the report of a Board consultant and the

CERTIFIED TRUE COPY

testimony of Respondent before a Committee of the Board on February 27, 2002 and May 28, 2003. Respondent had previously been directed by the Board to keep such delays to a minimum; issue letters to families setting forth the expected time frame for issuance of an autopsy report; and, explain possible delays. Respondent was asked to make it a standard practice to report the progress of the autopsy to the family. The record herein clearly establishes that he has failed to heed the Board's past directives.

The Board concludes there has been no demonstration of a lack of medical competence or capability by Respondent. However, Respondent's failure to timely deliver the autopsy reports deviates from accepted standards of medical practice and constitutes professional or occupational misconduct, contrary to N.J.S.A. 45:1-21(e). Further, by failing to obey the Board Order filed February 16, 1996, Dr. Epstein has occasioned a second violation of N.J.S.A. 45:1-21(e).

During his appearance before the Board Committee on February 27, 2003, Respondent was advised to contact the Physicians' Health Program, Medical Society of New Jersey, regarding his diagnosis of depression. Respondent did not <sup>maintain with</sup> contact the Physicians' Health Program. On May 28, 2003, Respondent told the Board Committee that he had determined that he would manage his underlying condition independently.

Respondent Stefan F. Epstein, M.D. being desirous of resolving this matter without further formal proceeding, and the Board having determined that the within disposition is adequately protective of the public health, safety and welfare;

It is on this 30TH day of JUNE, 2004,

ORDERED:

1. Respondent Stefan F. Epstein, M.D. is hereby suspended from the practice of medicine and surgery for a period of two years, the first six months active, and the remainder to be served as a period of probation.

2. Respondent has advised the Board that he is currently involved in seven cases where he is obligated to supply expert opinions. The Board will permit Respondent to continue his work on these cases only during the six months of active suspension, but Respondent is not to accept any new cases during the period of active suspension.

As to each of these seven cases, within one week of the filing of this Order Respondent is to identify to the Board and the Attorney General the name of the deceased, date of autopsy and, if known to Respondent, the name, address and phone of the client's attorney, and the court, judge and docket number for each case. Should Respondent be asked to provide expert testimony at any time during his active suspension, the autopsy will have been one performed prior to the filing of this Order, and Respondent shall

notify the Board prior to offering his testimony in that case. The Board shall maintain the information provided pursuant to this paragraph as confidential and privileged unless a subsequent action alleging a violation of this Order is filed by the Attorney General.

3. During the two years' suspension, Respondent is to enroll in and successfully complete a Board approved ethics course such as the PRIME course, Successful completion shall be by the achievement of grade of at least "Unconditional Pass."

4. Respondent shall schedule a re-evaluation by the Physicians Health Program within 30 days of the date of entry of this Order and shall appear and cooperate with the Physicians Health Program consistent with such schedule. Treatment shall be determined based upon the report of the Physicians Health Program, a copy of which is to be submitted to the Board and the Attorney General. Respondent must then complete all recommended treatment.

5. During the two year suspension, the Physicians Health Program is to submit quarterly reports to the Board. Respondent is to arrange for this reporting to the Board.

6. Respondent is assessed a civil penalty of 55,000. Said penalty shall be submitted by certified check or money order or attorney trust check made payable to the New Jersey State Board of Medical Examiners and submitted to the William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street,

P.O. Box 183, Trenton, New Jersey 08625-0183 within one week of the filing of this Order.

~~7. The civil penalty of \$5,000 shall be paid over one year at the Court Rule 4:42-11 rate of 2% annual interest. Payment shall be made in the form of 4 equal quarterly installments of \$1,250. Payments shall be delivered to the Board no later than the fifth day of each month commencing with March 8, 2004. The Board reserves its right to file a Certificate of Debt for the full amount due. Failure to make timely payments shall be considered violation of this Order and shall result in acceleration of the balance of the debt.~~

8, Respondent is assessed costs to the State in these proceedings in the amount of \$1,422 for investigation, expert fees and transcription. Said costs shall be submitted by certified check or money order or attorney trust check made payable to the State of New Jersey and submitted to the Board of Medical Examiners within fourteen days of the filing of this Order.

9. Respondent shall comply with the attached Directives for physicians who have been disciplined by the Board which are incorporated herein by reference. The provisions of paragraph 2 herein supercede any contrary provisions of those directives.

STATE BOARD OF MEDICAL EXAMINERS

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

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

*Stefan F. Epstein*

Stefan F. Epstein, M.D.

Date: 03-31-04

Consent is hereby given to the form  
Of Order and its entry.

*Steven I. Kern*

Steven I. Kern, Esq.  
Kern Augustine Conroy and Schoppmann

Date: 3-31-04

**FILED**

JUNE 30, 2004

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

**KERN AUGUSTINE  
CONROY & SCHOPPMANN, P.C.  
1120 Route 22 East  
Bridgewater, New Jersey 08807  
(908) 704-8585  
Attorneys for Respondent**

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS  
DOCKET NO. :**

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

**Administrative Action**

**STEFAN F. EPSTEIN, M.D.  
LICENSE NO. MA18456**

**CERTIFICATION OF  
STEFAN EPSTEIN, M.D.**

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

**Stefan F. Epstein, M.D. of full age, certifies as follows:**

1. I am a physician duly licensed to practice medicine in the State of New Jersey and I am the Respondent in the above referenced matter. I submit this certification in further support of the Consent Order I executed on March 31, 2004.

2. As of March 31, 2004, I am involved in the following cases:

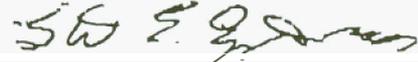
- a. John H. Craparotta - Ocean County Docket No ,OCN-L-2524-02
- b. Henry Sipp, Jr. - Luckey v. County of Essex, Docket No .ESX-L-10337-03
- c. Raskopf v. Third Regiment - Monmouth County Docket No .MON-L-4604-99
- d. Hare v. Chundru - Mercer County Docket No .MER-L2327-03
- e. C [REDACTED] P [REDACTED] - no suit has been filed yet
- f. S [REDACTED] M [REDACTED] - no suit has been filed yet

g. **Al** **O** - no suit has been filed yet.

3. Other than the cases identified above, I have no other active or pending matters.

Additionally, I have not engaged in the practice of medicine, other than with respect to the cases identified above, since March 31, 2004.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



Stefan F. Epstein, MD.

Dated: June<sup>01</sup>, 2004

**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 **these 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.