

FILED

JULY 5, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPT. OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
MATTHEW R. PONZIO, M.D.	:	
TO PRACTICE MEDICINE AND SURGERY	:	INTERIM CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	

THIS MATTER having been brought before the New Jersey Board of Medical Examiners ("the Board") upon the motion of Matthew R. Ponzio, M.D. ("Dr. Ponzio") for the Board to enter into an Interim Consent Order whereby the Board grants Dr. Ponzio the right to observe patient care subject to certain conditions, and upon notice to the Attorney General through Kevin Jespersen, Deputy Attorney General of the Division of Law, and the New Jersey Board of Medical Examiners having considered this matter, and the November 9, 2004 Order of Temporary Suspension still remaining in effect, and in anticipation of the receipt of a plan from the Center for Personalized Education of Physicians ("CPEP") for a structured, individualized education plan to address identified areas:

IT IS ON THIS 5TH DAY OF JULY 2005

CERTIFIED TRUE COPY

ORDERED AS FOLLOWS:

1. The Board will permit Dr. Ponzio to attend rounds with Dr. Peter Zazzali (referred to as the "consulting physician") during his daily practice routine.

2. The consulting physician will warrant, under penalty of discipline from the Board of Medical Examiners, that Dr. Ponzio will not in any way practice medicine. Dr. Ponzio will only observe these patient encounters and not participate or provide input, verbally or in writing, regarding these patients' care in front of the patients consulting physician. Dr. Ponzio will not touch or talk to the patients nor make entries or provide input into the patient's chart.

3. Each of the patients will be advised of the aforementioned arrangement between Dr. Ponzio and the consulting physician in accordance with HIPAA, and Dr. Ponzio will not accompany the consulting physician without the prior consent of the patient. Each patient will be specifically informed that Dr. Ponzio shall provide no medical care whatsoever to the patient, including diagnosis, treatment or consultation, and that Dr. Ponzio is present exclusively for training purposes.

4. After the consulting physician has completed his rounds, examined the patient and listened to the patient's complaint, Dr. Ponzio and the consulting physician will briefly leave the examining room to allow Dr. Ponzio to advise the consulting physician of a presumptive diagnosis and treatment plan. Dr. Ponzio and the consulting physician will re-enter the examining room and the consulting physician will advise the patient of his diagnosis and treatment plan not taking into consideration Dr. Ponzio's opinion. At the end of the day, Dr. Ponzio and the consulting physician will discuss each patient's care and treatment. Such discussions will not take place in the presence of the patient, nor will they be considered by the consulting physician in any way or entered into

the patient's chart by the consulting doctor. The consulting physician will then provide the Board with his evaluation of Dr. Ponzio's medical knowledge in a written format, based upon Dr. Ponzio's initial impressions, diagnoses and observations that Dr. Ponzio renders before the consulting physician provides a diagnosis and treatment plan to the patient.

5. Regarding a schedule for Dr. Ponzio's visit with the consulting physician, Dr. Ponzio will observe Dr. Zazzali in his office five (5) days a week.

6. The aforementioned comments and observations by the consulting physician regarding Dr. Ponzio's knowledge will be submitted to CPEP and to the Medical Board's Director, Joseph Gluck, M.D., for their review.

7. No patient shall be charged any amount whatsoever for Dr. Ponzio's activities under the terms of this Order.

8. The Order of Temporary Suspension of Licensure of the hearing committee of the Board of Medical Examiners filed on December 7, 2004 and the Order Continuing Temporary Suspension of License of the Board of Medical Examiners filed on December 9, 2004 shall both remain in full force and effect and shall in no way be modified or amended by this Interim Consent Order.

9. Dr. Ponzio's activities under the provisions of this Order shall not be construed to be structured for the purposes of satisfying any of the recommendations of the Assessment Report that the Center for Personalized Education for Physicians issued with regard to Dr. Ponzio on March 15, 2005. The significance or value of the training activities undertaken by Dr. Ponzio under the provisions of this Order will ultimately be determined by the Board.

10. Before Dr. Ponzio commences any activities under the provisions of this Order, Dr. Zazzali's qualifications to participate in this activity shall be approved by the Medical Director of the Board. Dr. Ponzio shall promptly submit to the Medical Director the *curriculum vitae* of Dr. Zazzali and whatever other documents Dr. Ponzio may deem relevant to the qualifications of this physician.

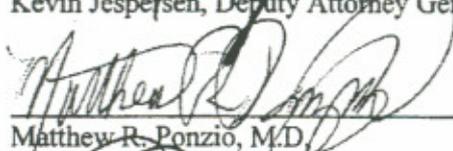
11. The Medical Director of the Board may, from time to time, communicate with Dr. Zazzali with regard to the activities of Dr. Zazzali and Dr. Ponzio under the terms of this Order.

12. Dr. Zazzali shall execute a copy of this Interim Consent Order and shall, by so executing a copy of this Order, agree to be bound by and to obey each and every term and condition of this Order.

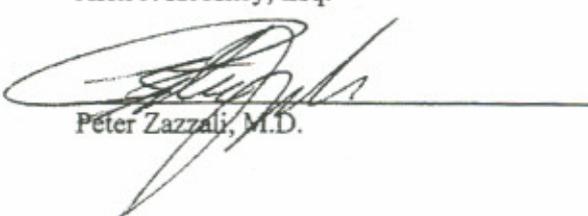

Bernard Robins, M.D., President

Accepted by:


Kevin Jespersen, Deputy Attorney General


Matthew R. Ponzio, M.D.


Alex J. Keoskey, Esq.


Peter Zazzali, M.D.