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NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
PHYSICIAN ASSISTANT ADVISORY COMMITTEE

IN THE MATTER OF THE LICENSE OF: **JOHN J. RYAN, JR., PA-C** License No. MP 00055000 TO PRACTICE AS A PHYSICIAN ASSISTANT IN THE STATE OF NEW JERSEY	Administrative Action **CONSENT ORDER**

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") by receipt of information from respondent John Ryan's supervising physician that respondent, without the doctor's knowledge or consent, signed the doctor's name to prescriptions for Vicodin and Xanax (Controlled Dangerous Substances) for respondent's own use. The pharmacist reported the unauthorized prescriptions to respondent's supervising physician and the criminal authorities. The criminal matter is pending in New Jersey Superior Court, Gloucester County.

CERTIFIED TRUE COPY

Respondent appeared before the Physician Assistants Advisory Committee accompanied by Louis E. Baxter, Sr., M.D., the Medical Director of the Professional Assistance Program and demonstrated enrollment in and compliance with the PAP Program and continued affiliation and employment with his supervising physician and the Emergency Room the respondent is employed by.

The Board considered the testimony of respondent and of Louis E. Baxter, M.D. of the Professional Assistance Program of New Jersey (PAP) before a Committee on June 16, 2006 and it has reviewed all relevant documentation submitted.

The parties are desirous of resolving this matter without further proceedings and the Board finds this disposition adequately protective of the health, safety and welfare.

IT IS THEREFORE on this 23rd day of October, 2006, ORDERED:

Respondent's continued practice as a physician assistant in New Jersey shall be conditioned on his abiding by the following requirements:

1. Respondent shall enroll in and comply with a monitoring program under the auspices of the Professional Assistance Program of New Jersey (PAPNJ).

2. Respondent shall give written notice to the Board and provide a written copy of this Order to his employer and supervising physician, prior to beginning or changing employment.

3. Respondent shall maintain absolute abstinence from drugs, alcohol, and all psychoactive and controlled dangerous substances except pursuant to a bona fide written prescription from a treating physician, dentist, or other prescriber for a documented medical condition and with prior notification to the Executive Medical Director of the PAPNJ. In addition, respondent shall advise any and all treating physicians, dentists and/or other authorized prescribers, of his history of self-prescribing controlled dangerous substances.

4. Respondent shall cause any authorized prescriber who prescribes medication which is a controlled dangerous substance, to provide a written report to the PAPNJ together with patient records indicating the need for such medication. Such report shall indicate the duration of the prescription, indicating refills, if any, and such report shall be provided to the PAPNJ no later than seven (7) days subsequent to the prescription in order to avoid any confusion which may be caused by a confirmed positive urine or other laboratory test as a result of such medication.

5. Respondent shall continue in treatment with a Board approved psychiatrist until further Order of the Board. Respondent shall ensure that the psychiatrist submits quarterly reports to the Board through the PAPNJ in which he details the status and progress of respondent's therapy and reports immediately (within 24 hours) orally and in writing any discontinuance of respondent's treatment.

6. Respondent shall continue under the care of a primary care physician for all medical needs.

7. Respondent shall not self-prescribe any prescription legend drugs or CDS.

8. Respondent shall be responsible to ensure that the PAPNJ shall supply reports every ninety (90) days beginning on the "filed" date of this Order to the Board regarding his progress with the monitoring program.

9. Respondent shall obtain the agreement of the PAPNJ via a signature of its representative on this Order to notify the Board within twenty-four (24) hour of its receipt of information of any slip or relapse or indication of any impairment, including but not limited to any positive urine screen or failure to appear for urine monitoring or any scheduled appointment or any discontinuance of the PAPNJ rehabilitation program whether initiated by respondent or by the PAPNJ.

10. Respondent shall become familiar with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screenings, be presumed to possess that knowledge, and shall refrain from the use of such substances. Respondent specifically agrees that ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

11. Respondent shall attend monthly face-to-face meetings with the PAPNJ for the first six (6) months after the effective date of this Order. Thereafter, face-to-face meetings with the PAPNJ shall be on a schedule determined by the Executive Medical director of the PAPNJ consistent with respondent's duration in recovery.

12. All costs associated with the PAPNJ urine monitoring, mental health counseling and any monitoring associate with the program outlined above shall be the responsibility of, and paid directly by respondent.

13. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of information which the Board in its sole discretion deems reliable that respondent has materially failed to comply with any of the conditions set forth above, any other provision of this Order, any report of a confirmed positive urine, or a prima facie showing of a deterioration of respondent's mental condition or of a relapse or recurrence of drug abuse.

14. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days' notice but in such event shall be limited to a showing that the urine test was not his or was a false positive in the case of urine testing, or that other information submitted was false.

15. This Order is effective upon its filing with the Board of Medical Examiners.

16. This Order shall not preclude the Board from taking further action based on respondent's criminal conduct.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul, MD
Sindy Paul, M.D.
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.

John J. Ryan, Jr., PA-C

Consented to on behalf of the Professional Assistance Program (PAPNJ)

Louis E. Baxter, M.D., F.A.S.A.M.
Medical Director
Professional Assistance Program of New Jersey

I have been provided with a copy of this Order.

(Signature)
Supervising Physician

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.

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.

JOHN J. RYAN, JR., PA-C
LICENSE #MP00055000

ADDENDUM

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[1]: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

_____

_____

_____

_____

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

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_____

_____

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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).

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[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.