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State Board of Medical Examiners
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June 13, 2007

Via Certified Mail & Regular Mail

Dr. Henry Velez
19-20 Fair Lawn Avenue
Fair Lawn NJ 07410-2341

Dear Dr. Velez : License No. 25MA04068000

Re: **Uniform Penalty Letter in Lieu of Filing of a Formal Complaint - 51564**

In 2002 N.J.S.A. 45:9-7.1 was enacted into law requiring continuing medical education (CME)as a condition for license renewal. By regulation (N.J.A.C. 13:35-6.15) for the registration cycle 2003-2005 physicians and podiatrists were required to complete 50 credits/hours of continuing medical education. At least 20 of these hours had to be Category I and up to 30 of these hours could be Category II. You were individually notified of this requirement at the time of your 2003 license renewal. The New Jersey Board of Medical Examiners conducted a CME compliance audit in 2006. You were randomly selected to provide documentation of CME that you obtained during the 2003-2005 license cycle.

This letter is to advise you that the New Jersey Board of Medical Examiners ("the Board")has had the opportunity to review information concerning your compliance with the CME audit, your compliance with the 2003-2005 CME requirement and the representation that you made on your 2005 license renewal attesting to your compliance with the CME requirement.

Specifically, the information reviewed by the Board included;

1) **1** letters mailed to you by the Board requesting proof of CME compliance for the 2003-2005 biennial registration period.

2) **1** Response received from you dated **May 1, 2006** providing evidence acceptable to the Board documenting **10** Category I hours and **>30** Category II hours of CME obtained during the 2003-2005 biennial period.

3) Your 2005 renewal application answering **YES** to the question "Will you have completed the required continuing medical education courses by June 30, 2005?"

4) **Unable to locate documents for 2004 and 2005 CME. Have done extensive informal medical education in pulmonary medicine as well as in occupational medicine in preparation for consultant services for County of Bergen and Paterson School district. Doubts that he could recreate 2004 and 2005 certificates asking for duplicates from sponsors. Plans to make up shortfall on Medscape.**

Upon review of all available information the Board has preliminarily found that you are in violation of N.J.S.A. 45:9-7.1 and N.J.A.C. 13:35-6.15, the statute and regulation requiring licensees of the Board, as a condition of biennial renewal of licensure, to certify satisfaction of 50 CME credits at least 20 of which must be Category I

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and up to 30 of which may be Category II and to comply with the Board's CME audit. Failure to comply with the provisions of an act or regulation administered by the Board pursuant to N.J.S.A. 45:1-21(h). Furthermore your alleged false certification on the biennial renewal application is fraud in the application process in violation of N.J.S.A. 45:1-21(a).

The Board has determined that it will offer you an opportunity to settle this matter and thereby avoid the initiation of further disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the attached acknowledgment and agree to one of the 3 settlement offers (I-III) noted below.

I) Pay a penalty in the amount of **$1,000.00** and within 45 days of receipt of this letter complete and submit CME credits equal to the amount that were not completed in the applicable biennial period. These CME credits must not be used to satisfy the requirements for the current reporting period.

II) Waive your rights to a hearing and submit a written statement or explanation to the Board within 15 days. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Within 45 days of receipt of this letter.

III) If you do not wish to settle this matter, you may request a hearing. In the event of a hearing this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board or a committee of the Board. At that hearing you may, either personally or with the assistance of an attorney, submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may , if unlawful activity has been proven, assess civil penalties in the amount greater than that herein offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to pay costs incurred by the Board or may order such other remedies as it may deem appropriate. Should you have any questions concerning this letter or the settlement offer herein, please contact:

Mary Blanks, MD
Director of Medical Education
New Jersey Board of Medical Examiners
P.O. Box 183
Trenton, New Jersey 08625
(609) 826-7129

The enclosed **original** certification should be completed and returned to the Board within 45 days following your receipt of this letter. In the event that the Board receives no response from you within 45 days, the Board's settlement offer will be withdrawn. You will be deemed in default and the allegations against you will be deemed uncontested. The Board will then proceed to final review of this matter and enter an appropriate order. Once an order has been entered your failure to comply with the order may result in further action against your license.

New Jersey Board of Medical Examiners

By:

William V. Roeder
Executive Director