FILED

May 29, 2008

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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

IN THE MATTER OF RUSSELL A. CHIEFFE, P.A. License No. MP0039 TO PRACTICE AS A PHYSICIAN ASSISTANT IN THE STATE OF NEW JERSEY	Administrative Action CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSURE

THIS MATTER was opened to the New Jersey State Board of Medical Examiners, Physician Assistant Advisory Committee, ("Board") upon receipt of information that on or about May 31, 2007, the New York State Board for Professional Medical Conduct ("New York Board") entered a "Consent Order" adopting the "Consent

CERTIFIED TRUE COPY

Agreement and Order" executed by the Respondent, Russell A. Chieffe, P.A., on May 22, 2007.

More specifically, the Respondent agreed not to contest the First Specification set forth in a Statement of Charges, which charged Respondent with professional misconduct in connection with physical abuse of a patient. As a result, the Consent Order provided that Respondent's license to practice was to be limited to preclude patient contact and any practice of medicine, clinical or otherwise, except for record review of business entities, such as insurance companies, which required prior written approval of the Director. Further, other than in the context of such authorized record review, Respondent was precluded from diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition.

As a result of the foregoing, the Board has determined that the above New York disciplinary action taken against Respondent provides a basis for disciplinary action against Respondent's New Jersey license to practice as a Physician Assistant pursuant to N.J.S.A. 45:1-21(e).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that Respondent's New Jersey license to practice as a Physician Assistant lapsed on August 31, 2001; and that the Respondent now seeks leave to voluntarily surrender his license to practice as a Physician

Assistant in the State of New Jersey in accordance with the terms of this Order; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 29th day of May, 2008, ORDERED AND AGREED THAT:

1. Respondent shall immediately and permanently surrender his license to practice as a Physician Assistant in the State of New Jersey;

2. Respondent shall immediately advise the DEA of this Order; and

3. Respondent shall comply with the attached Directives for Licensees whose Surrender of Licensure has been accepted by the Board, which are incorporated herein by reference

STATE BOARD OF MEDICAL EXAMINERS

By: _____
MARIO A. CRISCITO, M.D.
Board President

I have read and I understand this Consent Order and agree to be bound by its terms. I further hereby consent to the entry of this Consent Order.

_____
RUSSELL A. CHIEFFO, P.A.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF RUSSELL AUGUST CHIEFFE, R.P.A.	CONSENT ORDER

BPMC No. #07-113

Upon the application of (Respondent) RUSSELL AUGUST CHIEFFE, R.P.A., in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 5/31/07

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF RUSSELL AUGUST CHIEFFE, R.P.A.	CONSENT AGREEMENT AND ORDER

RUSSELL AUGUST CHIEFFE, R.P.A. representing that all of the following statements are true, deposes and says:

That on or about June 24, 1986, I was licensed to practice as a registered physician assistant in the State of New York, and issued license number 002941 by the New York State Education Department.

My current address is 255 Eighth St., Apt. 4L, Jersey City, N.J. 07302-2060, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the First Specification, Physical Abuse, in full satisfaction of the charges against me, and agree to the following penalty:

> Pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice as a registered physician assistant in New York State shall be limited to preclude patient contact and any practice of medicine, clinical or otherwise, except for record review for business entities,

such as insurance companies, which shall require prior written approval of the Director. Other than in the context of such authorized record review, I shall be precluded from diagnosing, treating, operating or prescribing for any human disease, pain, injury, deformity or physical condition.

I further agree that the Consent Order shall impose the following conditions:

That Respondent's conduct shall conform to moral and professional standards of conduct and governing law.

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information.

That Respondent shall return any and all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the Order's effective date. Within 30 days of returning these prescriptions and surrendering this registration, Respondent shall provide documentary proof of these transactions to the Director of OPMC; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and

information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient

identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE May 22, 2007
May 22, 2007

RUSSELL AUGUST CHIEFFE, R.P.A.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 5/23/07

WILFRED T. FRIEDMAN, ESQ.
Attorney for Respondent

DATE: 5/23/07

MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 5/30/07

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

"EXHIBIT A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF RUSSELL AUGUST CHIEFFE, R.P.A.	STATEMENT OF CHARGES

RUSSELL AUGUST CHIEFFE, R.P.A., the Respondent, was authorized to practice as a registered physician assistant in New York State on or about June 24, 1986, by the issuance of license number 002941 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about November 21, 2005, in a physician's office at 121 E. 60th St, New York, N.Y., Respondent touched Patient A inappropriately during a physical examination.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

PHYSICAL ABUSE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(31) by willfully harassing, abusing, or intimidating a patient either physically or verbally, as alleged in the facts of:

1. Paragraph A.

DATE: ~~April~~ May 23, 2007
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional Medical Conduct

NAME: **Russell Chieffe, P.A.**
NJ License # **MP00039**

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:

_____

_____

_____

_____

_____

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).

_____

_____

_____

_____

[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.

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.