

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

FILED

July 7, 2008

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

IN THE MATTER OF THE LICENSE OF

RAYMOND REITER, M.D.

License No. 25MA05458300

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

INTERIM
ORDER OF REINSTATEMENT
OF LICENSURE WITH
RESTRICTIONS

This matter was opened to the State Board of Medical Examiners (Board) upon a request from Raymond Reiter, M.D. (Respondent), through his counsel, Peter Willis, by way of correspondence dated October 3, 2006, requesting reinstatement of Respondent's medical license. On February 22, 2002, the New Jersey Board of Medical Examiner's (Board) revoked Respondent's license by Final Order effective and retroactive to October 10, 2001. The license was revoked based upon Respondent's conviction of one count of second degree criminal sexual assault and four counts of fourth degree criminal sexual contact involving several patients. No application for reinstatement of licensure was permitted for a minimum of five (5) years and a civil penalty of \$25,000.00 was imposed.

The Board on February 14, 2007, denied Respondent's request for reinstatement until such time as an evaluation of Respondent

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by the Colorado Personalized Education Program (CPEP) was completed and submitted to the Board for its determination of whether Respondent's medical skills are up-to-date; and an evaluation was completed by the Joseph J. Peters Institute including a clinical opinion as to Respondent's diagnosis, compliance with his treatment plan and fitness to practice medicine was received by the Board for its determination regarding Respondent's fitness to practice medicine. On September 26, 2007 the Board again denied Respondent's request to reinstate his medical license as the CPEP assessment dated May 2007 identified areas of demonstrated need in both medical knowledge and judgment. The Board stated that Respondent must successfully complete a Board approved structured individualized education program (CPEP education plan) as described in Respondent's CPEP assessment report prior to appearing for additional consideration regarding reinstatement.

On January 16, 2008, Respondent appeared with David Canavan, M.D., of the Professional Assistance Program of New Jersey (PAP) and with his counsel, Michael and Peter Willis, Esqs., requesting that he be granted a limited license for the purpose of completing the CPEP education plan. During Respondent's initial testimony he stated that he completed the "shadowing" phase of the CPEP education plan and began the "supervision" (which includes interviewing and examining patients with a supervisor) phase of the CPEP education plan without a medical license. Respondent

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testified that he had to date spent only three days working in the "supervision" phase and he did not believe that he was required to have a medical license to begin the "supervision" phase of the CPEP education plan. Thereafter, Respondent's counsel requested an adjournment of the preliminary evaluation committee (PEC) so that they could prepare correspondence to the Board to address this issue and Respondent agreed to immediately cease and desist from continuing the "supervision" phase of the CPEP education plan.

On February 27, 2008, Respondent appeared with David Canavan, M.D. of the PAP and with counsel, Michael Willis Esq., to continue his testimony. Based upon Respondent's testimony on January 16th and February 27, 2008, review of documentation provided to the Board, including the report of James Pedigo, M.D., of the Joseph J. Peters Institute; CPEP assessment report and CPEP education plan; correspondence from psychotherapists who have worked with Respondent, and considering that Respondent's license to practice medicine and surgery in New Jersey has been revoked for more than six (6) years and that Respondent has taken serious steps to remediate himself through professional psychotherapy and the Board accepting Respondent's testimony that he mistakenly began the "supervision" phase of the CPEP education plan and thus practiced medicine for three days without a medical license, the Board has determined that Respondent may resume the practice of medicine and surgery in the State of New Jersey for the limited purpose of

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successfully completing the CPEP education plan. Respondent agreeing to the terms of this Order and the Board finding that the within disposition is adequately protective of the public health, safety and welfare;

IT IS, therefore, on this 4TH day of JULY, 2008,

ORDERED THAT:

1. Respondent is granted leave to practice medicine and surgery for a maximum period of eighteen (18) months from the date of entry of this Order, limited to and for the sole purpose of, completion of the CPEP education plan dated November 17, 2007. Respondent's limited license is based upon his continued satisfactory compliance with the CPEP education plan. Respondent shall have CPEP notify William Roeder, Executive Director of the New Jersey State Board of Medical Examiners, in writing upon Respondent's satisfactory completion of each transition stage ("shadowing, supervision and oversight" phases) of the CPEP education plan and upon Respondent's completion of the CPEP education plan.

2. Respondent may only practice medicine to the extent described under the CPEP education plan. After Respondent successfully completes the "shadowing, supervision and oversight" phases of the CPEP education plan, Respondent shall successfully complete and continue to work under the directives of the "oversight" phase of the CPEP Plan until Respondent appears before

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the Board or a Committee thereof to determine if Respondent is fit to practice medicine independently (in accordance with paragraph 5 below).

3. At all times during the implementation of the CPEP education plan, Respondent shall work under the supervision and responsibility of a preceptor/supervisor approved by CPEP and accepted by the Board. The preceptor/supervisor shall supervise Respondent, and Respondent shall submit to such supervision, in accordance with the directives and requirements of the CPEP education plan.

4. Respondent shall complete the CPEP plan under the supervision of Gerard Malanga, M.D. Respondent shall be responsible to assure that the supervisor submits quarterly reports to the Board describing the manner and content of his supervision and the supervisor's evaluation of whether Respondent's professional services are consistent with accepted standards of medical practice.

5. Respondent shall complete a post-education evaluation by CPEP. Respondent shall comply with all recommendations of CPEP in its post-education evaluation that the Board deems necessary. In the event that CPEP does not require a post-education evaluation of Respondent, written documentation as to the basis as to why CPEP is not performing a post-education evaluation must be sent to William Roeder, Executive Director of the New Jersey State Board of Medical

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Examiners, within thirty (30) days of Respondent's completion of the CPEP education plan.

6. Respondent may appear before the Board or a Committee after his completion of the CPEP education plan and the Board's receipt of the post-education evaluation from CPEP, at which time the burden shall be on Respondent to demonstrate that he is fit and competent to practice medicine and surgery in New Jersey and should be granted a license to practice medicine.

7. Respondent shall obtain a Board approved chaperone, at his own expense, who shall be present with Respondent whenever he is in the presence of any female patient. The chaperone shall be a New Jersey licensed RN, LPN, or PA and shall initial each female patient's chart to indicate the chaperone's presence for the entire duration of patient contact and examination. The chaperone shall submit a report to the Board on a monthly basis, until further Order of the Board. The chaperone is also to notify the Board within twenty-four (24) hours of any violation of this chaperone agreement, or any inappropriate conduct of Respondent with any patient. Respondent shall provide a copy of this order to each person acting as a chaperone. Each chaperone shall indicate receipt of this order and an agreement to comply with its terms by signing a copy of this order and forwarding it to William Roeder, Executive Director of the New Jersey State Board of Medical Examiners.

8. Each patient treated pursuant to this Order and the CPEP plan will be advised of the arrangement between Respondent and the preceptor/supervisor in accordance with HIPAA, and Respondent will not undertake the care of any patient without that patient's prior execution of a consent form that states, "In accordance with HIPAA requirements, I have been informed by Dr. Raymond Reiter that he is working with a preceptor, Dr. Gerard Malanga, a licensed physician, who will be reviewing my medical records subsequent to and/or during my treatment by Dr. Raymond Reiter. I hereby agree to allow a review of my records by the preceptor, Dr. Gerard Malanga."

9. All reports and copies of patient records that either Respondent or the preceptor/supervisor shall submit to CPEP under the terms of the CPEP education plan shall also be promptly submitted by Respondent to the William Roeder, Executive Director of the New Jersey Medical Board.

10. Respondent may charge the normal and customary fees for the medical services he provides during his participation in CPEP education plan. No patient, however, shall be charged any additional fees beyond the normal and customary charges, and no patient shall be charged any fee for the activities of the preceptor/supervisor.

11. Throughout the time that Respondent participates in CPEP education plan Respondent shall fully comply with whatever recommendations CPEP may make with regard to practice restrictions.

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12. Respondent shall notify any future employer at his place of employment, at each and every facility at which he plans to practice medicine, that he has entered into this reinstatement Order. Respondent shall provide a copy of this reinstatement Order and any future orders to his employer.

13. Respondent shall fully attend and successfully complete a Board approved boundaries course (such as the Alabama Physicians Health Program) within (60) sixty days of the filing date of this Order and shall provide documentation to the Board that he successfully completed such course.

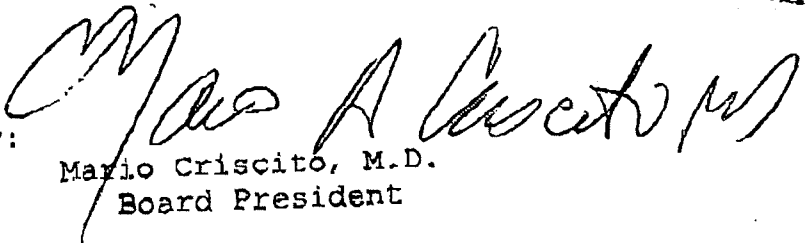
14. Respondent shall undergo face-to-face meetings with a PAP representative once every three (3) months until such time as the PAP recommends discontinuance and such discontinuance is approved by the Board.

15. Respondent shall undergo psychotherapy with a Board approved licensed psychiatrist or psychologist at a minimum of once per month until such time as the psychotherapist recommends discontinuance and such discontinuance is approved by the Board. Psychotherapy shall begin within thirty (30) days of the filing date of this Order.

16. The Attorney General's consent to this Interim Consent Order and the Board's entry of this Interim Consent Order shall not be deemed an admission or an agreement that Respondent is fit to resume the unrestricted practice of medicine.

17. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information, which the Board in its sole discretion deems reliable, that Respondent has failed to comply with this Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice.

NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS

By: 
Mario Criscito, M.D.
Board President

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

Raymond Reiter, M.D.

Consented to as to form and entry:

Michael Willis, Esq.

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

Gerard Malanga, M.D.

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17. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information, which the Board in its sole discretion deems reliable, that Respondent has failed to comply with this Order. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____
Mario Criscito, M.D.
Board President

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

Raymond D. Reiter, M.D.
Raymond Reiter, M.D.

Consented to as to form and entry:

Michael Willis
Michael Willis, Esq.

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

Gerard Malanga, M.D.
Gerard Malanga, M.D.

I have read and understand the within Order and agree to comply with the terms which relate to the Professional Assistance Program of New Jersey (PAP).

David I. Canavan, MD

David Canavan, M.D.
Professional Assistance Program
of New Jersey