

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5<sup>th</sup> Floor  
124 Halsey Street  
P. O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Medical Examiners

**FILED**

July 11, 2008

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Megan Cordoma  
Deputy Attorney General  
Tel. (973) 648-3453

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

IN THE MATTER OF THE SUSPENSION  
OF THE LICENSE OF

RALPH W. CLEMMENTS, M.D.  
LICENSE NO # MA 18158

Administrative Action

TO PRACTICE AS A MEDICINE AND SURGERY:  
IN THE STATE OF NEW JERSEY

**CONSENT ORDER**

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information revealing that the license of Respondent, Ralph W. Clemments, M.D. to practice medicine in New York was placed on probation by Order filed on October 24, 2007. The Board makes the following findings of fact and conclusions of law:

1. Respondent, Ralph W. Clemments, M.D. License No. MA 18158, is a physician licensed in the State of New Jersey and has been licensed at all times relevant hereto.
2. By Order filed on October 24, 2007, the State of New York Department of Health, State Board for Professional Medical Conduct placed respondent's license to practice medicine

**CERTIFIED TRUE COPY**

in the State of New York on probation based upon his delegation of professional responsibilities requiring licensure to persons he had reason to know were not licensed social workers.

Based upon the above information and findings, and it appearing that Respondent wishes to resolve this matter without formal proceedings, and having waived any right to a hearing, and for other good cause shown,

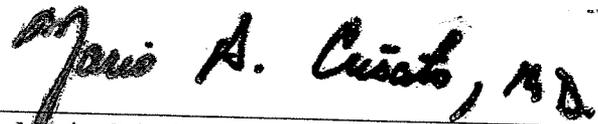
IT IS ON THIS 11th DAY OF July, 2008.

ORDERED THAT:

1. The license of Respondent, Ralph W. Clemments, M.D., to practice medicine and surgery in the State of New Jersey, is hereby placed on probation for a period of three years during which time Respondent will not hold any ownership interest in, nor serve as an officer, manager or medical director of any medical practice or facility. This condition shall take effect upon the filing of this Consent Order.

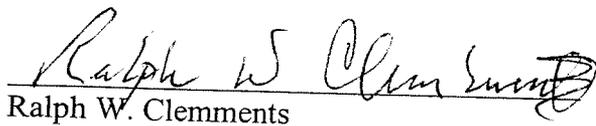
STATE BOARD OF MEDICAL EXAMINERS

By:



Mario Criscito, M.D.  
Board President

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

  
Ralph W. Clemments

June 15, 2008  
Date

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

IN THE MATTER  
OF  
RALPH WILLIAM CLEMMENTS, M.D.

CONSENT  
ORDER

BPMC No. #07-2357

Upon the application of (Respondent) RALPH WILLIAM CLEMMENTS, M.D. 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: 10-16-07

  
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  
RALPH WILLIAM CLEMENTS, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

RALPH WILLIAM CLEMENTS, M.D., representing that all of the following statements are true, deposes and says:

That on or about June 30, 1953, I was licensed to practice as a physician in the State of New York, and issued License No. 073735 by the New York State Education Department. My license to practice in the State of New York is currently inactive; accordingly, I am not now engaged in the practice of medicine in the State of New York and, as of the effective date of this Order, the terms of probation are tolled, as further set forth in attached Exhibit "B".

My current address is 7304 Cenrose Circle, Westwood, N.J. X07675-2451, 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, Delegating Professional Responsibilities to Persons Not Qualified to Perform Them, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to Pursuant to N.Y. Pub. Health Law § 230-a(9),  
I shall be placed on probation for a period of three years,  
subject to the terms set forth in attached Exhibit "B".

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

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.

That Respondent agrees that he will not hold any ownership interest in nor serve as an officer, manager or medical director of any medical practice or facility. 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.

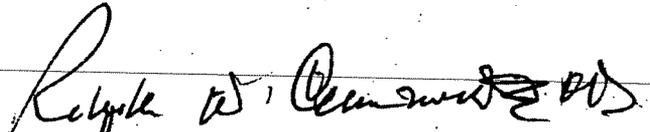
I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the 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.

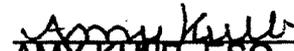
I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or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

DATE 9/20/07

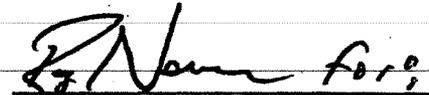
  
RALPH WILLIAM CLEMENTS, M.D.  
RESPONDENT

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

DATE: 9-20-07

  
AMY KUOB, ESQ.  
Attorney for Respondent

DATE: 9/29/07

  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 10/15/07

  
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  
RALPH WILLIAM CLEMMENTS, M.D.

STATEMENT  
OF  
CHARGES

RALPH WILLIAM CLEMMENTS, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 30, 1953, by the issuance of license number 073735 by the New York State Education Department; this license is currently "inactive."

**FACTUAL ALLEGATIONS**

- A. Respondent delegated professional responsibilities requiring licensure to persons he had reason to know were not licensed social workers.

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**DELEGATING PROFESSIONAL RESPONSIBILITIES**

**TO PERSONS NOT QUALIFIED TO PERFORM THEM**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(25) by delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified, by training, by experience, or by licensure, to perform them, as alleged in the facts of:

1. Paragraph A.

DATE: September 28, 2007  
New York, New York



ROY NEMERSON  
Deputy Counsel  
Bureau of Professional Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
2. 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.
3. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
4. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
5. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.

6. Respondent shall practice medicine only in a supervised setting, such as a facility licensed by New York, where there is a medical director, director of psychiatry or other equivalent supervision, where close practice oversight is available on a daily basis, and where quality assurance and risk management protocols are in effect. Respondent shall not practice medicine until the supervised setting proposed by Respondent is approved, in writing, by the Director of OPMC.
  - a. Respondent shall propose an appropriate supervisor or administrator in all practice settings, who shall be subject to the written approval of the Director of OPMC. Respondent shall authorize the practice supervisor to have access to his patient records and to submit quarterly written reports, to the Director of OPMC, regarding Respondent's practice, the overall quality of his medical care, the evaluation and treatment of patients, time and attendance, the supervisor's assessment of patient records selected for review and other such on-duty conduct as the supervisor deems appropriate to report.
  - b. Respondent shall provide the supervisor/administrator in all settings with the Consent Order and terms of probation and shall cause the supervisor/administrator, in writing, to comply with OPMC schedules and requests for information. Respondent shall ensure that the supervisor/administrator is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report, within 24 hours, any inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
  - c. Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC that truthfully attests whether Respondent has been in compliance with the employment setting and required supervision.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
9. Respondent shall enroll in and complete a continuing education program, subject to the Director of OPMC's prior written approval; the continuing education program shall be completed within the first year of the probation period.
10. Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.

**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.)