

FILED

~~September 11, 2008~~
**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

In the Matter of:

LYNDA STAMBAUGH-LUPO, D.O.

FINAL ORDER
DENYING REINSTATEMENT
OF LICENSE

This matter was reopened before the New Jersey State Board of Medical Examiners on September 10, 2008, for finalization of a Provisional Order Denying Reinstatement of License in the matter of Lynda Stambaugh-Lupo, D.O. (the "Provisional Order"), which Provisional Order was in turn filed on February 8, 2007. A copy of the Provisional Order is appended hereto and incorporated herein as Exhibit "A."

The Board has considered the certification of William V. Roeder, which certification details both the filing and subsequent service of the Provisional Order upon Dr. Stambaugh-Lupo. The evidence before the Board thus demonstrates that the Provisional Order was served on respondent both by mail, to include both overnight U.P.S. Mail and regular mail (to the address of record which respondent maintained with the Board) on February 9, 2007, and by in-person service by Investigator Son Suk Kim of the Enforcement Bureau, who served a copy of the Provisional Order upon Francis Lupo (Dr. Stambaugh-Lupo's mother-in-law) on March 6, 2007 at 1210 Route 36, Highlands, New Jersey.

CERTIFIED TRUE COPY

The Provisional Order specifically provided that it would be subject to finalization by the Board at the close of business on the 30th day following entry unless respondent were to have made request in writing seeking modification or dismissal of the proposed Findings of Fact or Conclusions of Law, and/or requested an opportunity to present evidence in mitigation of the proposed actions. Respondent has never submitted any response, written or otherwise, to the Provisional Order (see Certification of William V. Roeder). As respondent did not, within thirty days or at any time thereafter, submit a written request for modification or dismissal of the findings made or actions ordered in the Provisional Order, the Board presently adopts, in their entirety and without modification, all findings of fact, conclusions of law and proposed actions and requirements within the Provisional Order.

WHEREFORE, it is, on this 10th day of September, 2008

ORDERED:

1. The Provisional Order Denying Reinstatement of License in the matter of Lynda Stambaugh-Lupo, D.O., filed on February 8, 2007, is hereby adopted, in its entirety, as a Final Order of the Board.

2. The application for reinstatement of licensure filed by Lynda Stambaugh-Lupo, D.O. is hereby denied.

3. Respondent may petition the Board for reinstatement of license no sooner than six months from the date of entry of this Order, but no petition for reinstatement of license shall be

entertained by the Board unless and until respondent:

a) is able to provide evidence to the Board that she has enrolled in and fully participated with the PAP for a minimum period of six months. Respondent shall then be required to demonstrate that she has been subject to random urine monitoring, conducted by representatives of the PAP, at such frequency as the PAP in its discretion shall deem appropriate, and to demonstrate that the results of all such screens have been negative. Respondent shall further be required to authorize the PAP to provide a report to the Board detailing her participation with the PAP and detailing the results of all urine screens conducted; setting forth the PAP's position whether she is fit to resume the practice of medicine in New Jersey; and setting forth any recommendations the PAP may then have whether conditions or limitations should be placed on any reinstatement of respondent's license by the Board (to include a position on whether continued random urine screening is then recommended); and

b) is able to demonstrate that she has satisfactorily completed all supplemental preceptor-directed course work that had been recommended by the MRAC, to be conducted under the direction of the MRAC. Respondent shall then be required to authorize the MRAC to provide a report to the Board detailing her participation in the MRAC recommended additional study, which report shall include any recommendations that the MRAC may then have concerning whether any additional supervision or oversight of her practice of

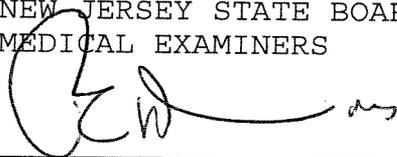
medicine should be required by the Board; and

c) is able to demonstrate that she has fully attended and unconditionally passed a course in ethics acceptable to the Board (the Board will specifically recognize the PROBE or PRIME courses in satisfaction of this requirement).

4. In the event respondent submits a petition for reinstatement at a later date and is able to demonstrate compliance with all conditions set forth in paragraph 3 above, respondent shall then be required to appear before a Committee of the Board, and demonstrate to the satisfaction of the Board that she is fit and competent to resume the practice of medicine in the State of New Jersey. The Board expressly reserves the right to deny such application in the event that respondent is unable to make the demonstrations required herein, and further reserves the right to then impose such conditions or limitations upon relicensure which, in the Board's discretion, may then be considered necessary or appropriate to impose on respondent's practice.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



Paul C. Mendelowitz, M.D.
Board President

**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.