FILED
OCTOBER 5, 2009
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 THE SUSPENSION OR REVOCATION OF THE LICENSE OF STEVEN DOLGOFF, D.P.M. TO PRACTICE PODIATRY IN THE STATE OF NEW JERSEY	:	Administrative Action **ORDER OF REINSTATEMENT OF LIMITED LICENSURE**

This matter was opened to the New Jersey Board of Medical Examiners (Board) by Respondent's May 20, 2008 petition for reinstatement of his license to practice podiatric medicine in New Jersey. By way of background, Respondent's license to practice podiatry in the State of New Jersey was suspended for a period of five years, 3 years of active suspension and the remaining two years to be stayed and served as a period of probation, effective by way of a Consent Order filed on June 8, 2005. Respondent's suspension was based upon the filing of an Administrative Complaint against Respondent, alleging he was convicted of violating N.J.S.A. 2C:35-10A, thereby constituting violations of N.J.S.A. 45:1-21(b), (e), and (f). The Administrative Complaint was based upon allegations that on or about September 18, 2003, Respondent was criminally charged in Manalapan Township with two Counts of Possession of a Controlled Dangerous Substance (CDS) and Possession of a CDS with intent to manufacture. The Attorney General subsequently became aware that Respondent was admitted into a Pre-

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Trial Intervention Program in Monmouth County, New Jersey. Respondent is also a licensed pharmacist in the State of New Jersey and entered a Consent Order with the New Jersey State Board of Pharmacy on December 16, 2005, which suspended his license for a period of three (3) years, all of which was stayed and served as a period of probation, pending Respondent's compliance with the Order.

Respondent appeared before a Committee of the Board on July 16, 2008, to discuss his petition for reinstatement. Respondent testified regarding his compliance with Board's June 8, 2005 Consent Order and the New Jersey State Board of Pharmacy's December 16, 2005 Consent Order. He further testified regarding his successful rehabilitation and displayed remorse for his previous actions. Thereafter, the Board determined that Respondent could begin his two years of probation and be reinstated with a limited license to practice podiatric medicine, since the Board found Respondent to be sufficiently rehabilitated and remorseful regarding his previous actions. The Board further determined that Respondent could begin his two years of probation and be reinstated with a limited license to practice podiatric medicine, provided Respondent successfully completed the ProBe ethics course which he participated in from July 11 - 13, 2008, successfully completes and passes a current podiatric competency plan approved by the Board and that the order of reinstatement incorporates specific

monitoring and psychotherapy requirements. To date, Respondent has demonstrated he successfully completed the ProBe ethics course, has submitted to a practice assessment and successfully completed a remediation program approved by the Board at the New York College of Podiatric Medicine and the Board finds Respondent to be fit to practice podiatric medicine within the limits outlined below. 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 5TH **day of** OCTOBER , **2009**

ORDERED that:

1. Respondent's license to practice podiatric medicine in the State of New Jersey is hereby reinstated with limitations.

2. Respondent may include in his podiatric practice only the following invasive procedures generally considered to be the non-surgical practice of podiatry. These procedures are enumerated below and may only be performed by Respondent if they do not require the use of any anesthetic other than local.

-toenail procedures,

-incision and drainage of abscesses,

-treatment of ulcers,

-removal of skin lesions, and

-injections for diagnostic or therapeutic purposes.

3. Respondent shall be prohibited from performing any other invasive procedures, including but not limited to, deeper soft tissue or osseous surgical procedures or procedures generally considered the surgical practice of podiatry.

4. No earlier than six (6) full time working months or its equivalent (part-time over 12 months) after commencing practice in New Jersey, Respondent may apply to the Board to perform deeper soft tissue and osseous surgical procedures of the digits. At such time that Respondent requests such permission from the Board and the Executive Director of the Board determines Respondent has reached a stage whereby he may commence a limited surgical practice, Respondent may do so on the following conditions:

(a) Respondent's surgical practice is limited solely to directly observed procedures as defined herein by a Board pre-approved surgical preceptor at a licensed facility;

(b) Respondent shall ensure that his surgical preceptor is pre-approved by the Executive Director of the Board and the preceptor shall sign a copy of this Order indicating his/her agreement to its terms, and Respondent shall provide the signed Order to the Executive Director of the Board;

(c) Respondent shall ensure the preceptor directly observes all surgical procedures until Respondent has demonstrated to the satisfaction of the preceptor and Executive Director of the Board that he is competent in soft tissue and

osseous surgery of the digits;

(d) Respondent shall satisfactorily complete any and all educational assignments regarding current podiatric surgical practice assigned to him by the surgical preceptor;

(e) Respondent shall be responsible to assure that the preceptor submits monthly reports to the Executive Director of the Board describing the manner and content of his supervision and the preceptor's evaluation of whether Respondent's professional services are consistent with accepted standards of podiatric practice. Such reports should include the number and nature of cases observed and comments regarding all aspects surgical judgement, skill and management observed. The reports should also comment on Respondent's compliance with successful completion of educational assignments that may be required by the surgical preceptor. The preceptor shall immediately notify the Board if Respondent suffers a relapse or fails to practice podiatric medicine within accepted standards podiatric care;

(f) Respondent, at the time he submits an application for privileges at a licensed facility to perform surgical procedures, shall provide a copy of this Order of Limited Licensure to the individual responsible for granting privileges; and

(g) Respondent shall ensure that the preceptor directly observes all surgical procedures until Respondent has

demonstrated to the satisfaction of the preceptor and the Executive Director of the Board that he is competent in metatarsal region surgical procedures.

5. Respondent's limited surgical privileges shall continue to be directly observed by his preceptor until such time when Respondent at a minimum has performed fifty (50) observed procedures and the surgical preceptor receives written notice from the Executive Director of the Board that direct observation may cease.

6. Respondent shall ensure that an M.D., D.O. or D.P.M. representative of the licensed facility where Respondent holds surgical privileges shall report twice a year to the Executive Director of the Board during the one year following cessation of his direct observation. This reporting shall include the number of cases, technical quality of work including surgical judgement and complications encountered if any.

7. Respondent is prohibited from engaging in surgery of the mid-foot, tarsus or ankle until further Order of the Board.

8. Surgical monitoring (if Respondent elects to engage in the surgical practice of podiatry) is mandatory as a condition of limited licensure reinstatement and Respondent shall timely bear the costs of the preceptor.

9. Respondent shall maintain absolute abstinence from alcohol, all psychoactive and potentially addictive substances,

except as duly prescribed by a treating health care practitioner. Respondent shall advise all of his treating health care practitioners, who prescribe medications, of his addiction history. Respondent shall report any such use to the Board in writing within five (5) days of receiving such a prescription together with the name of the prescribing physician/dentist/advanced practice nurse or other authorized prescriber and the reason for its use.

10. Respondent shall continue to participate with the Professional Assistance Program (PAP) by agreeing to the following:

a) Respondent shall continue to undergo random witnessed urine screens a minimum of once per month and that they remain at this frequency for the first six months of Respondent's licensure reinstatement. Thereafter, random witnessed urine screens shall be collected at a frequency consistent with Respondent's duration in recovery, recommended by the PAP and approved by the Board;

b) Respondent shall continue his attendance at the support group of Alcoholics Anonymous/Narcotics Anonymous at a minimum of three times per week;

c) Respondent shall continue his involvement with Daniel Struble, LCSW, CADC and Dr. Hugo Franco at a frequency directed by the therapist/physician until such time as it is agreed between all parties, including the Board and the PAP, that therapy is no longer required;

d) Respondent shall follow-up with a clinical representative of the PAP consistent with his duration in recovery; and

e) Respondent shall ensure that quarterly status reports from the PAP are sent to the Board regarding his compliance with the mandates of this Order with immediate notification to the Board in the event on non-compliance or evidence of a relapse.

11. 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.

STATE BOARD OF MEDICAL EXAMINERS

By: _____
Paul Mendelowitz, M.D.
Board President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey State Board of Medical Examiners.

_____
Steven Dolgoff, D.P.M., R.P.H.

I have read and understand the within Order and agree to comply with the terms which relate to the requirements of Dr. Dolgoff's preceptor.

_____

Preceptor
(To be signed and provided to the Director of Medical Education of the Board at the time of Respondent's commencement of limited surgical privileges.)