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FILED

November 30, 2010

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF
PAUL SENDER, M.D.
LICENSE NO. 25MA04474200

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was most recently opened to the New Jersey Board of Medical Examiners (the "Board") upon receipt of a request from Paul Sender, M.D. seeking reinstatement of his medical license. By Consent Order filed September 14, 2005, Dr. Sender's license was suspended for five years (two years active and three years to be stayed and served as a period of probation) following allegations of gross negligence and/or repeated negligence in his treatment of seven patients. Pursuant to the Consent Order, Dr. Sender agreed to undertake and successfully complete any recommendations for reinstatement and/or follow-up remediation required by CPEP, a board approved neuro-psychologist, the Attorney General or the Board. He further agreed to pay \$50,000 in costs and civil penalties.

Dr. Sender appeared and testified on October 21, 2009 in support of his application for reinstatement. Dr. Sender has primarily engaged in scholarly pursuits since the suspension of his license in 2005. He is currently employed in a scholarly capacity at a religious organization in New York State.

Dr. Sender has completed numerous continuing education credits during the period of his suspension. In addition to self study, Dr. Sender successfully completed a six week structured preceptorship program at Drexel University. Highlights of the training included inpatient rounds in general medicine, ICU, CCU and endocrinology. He also attended clinics in cardiology, rheumatology, women's health, and the psychiatry intake clinic. The training experience was further enhanced by observations in the Pulmonary Function Testing Laboratory and the GI Endoscopy Suite. Didactics consisted of general medicine, emergency medicine and gastroenterology grand rounds; neurology and stroke conferences; quality improvement conferences; residents core conferences; the Ambulatory Workshop; and evidence based medicine lectures. Dr. Sender also completed assignments using web based exercises on Doc.com and DxR Clinician which are designed to enhance the learner's performance and skills during complex communication and relationship challenges and which allow the student to question a patient, conduct a simulated physical exam and order lab tests. Finally, Dr. Sender was observed and critiqued obtaining history and physicals from standardized patients. Dr. Sender successfully completed all parts of the Drexel program with positive remarks from attending physicians and house staff who observed his participation in the program.

Dr. Sender submitted to a neuropsychological exam in 2005 which indicated concerns as to some neurological issues. Pursuant to the Board approved neuro- psychologist's recommendation, Dr. Sender then submitted to a neurological examination, including two MRIs. The neurologist ultimately opined that "there is no evidence on my neurological evaluation for any neurological impairment. Dr. Sender is neurologically intact to practice medicine."

To date, Dr. Sender has been unable to satisfy the \$50,000 in costs and penalty he agreed to pay the Board pursuant to the 2005 Consent Order. He currently owes the Board \$47,600.00.

Dr. Sender consenting and agreeing to every term of this Consent Order and agreeing that he waives any right to a hearing in this matter, and the Board finding that Dr. Sender has demonstrated clear steps toward rehabilitation and re-education but that certain practice monitoring and supervision is necessary given Dr. Sender's five year hiatus from practice, and the Board finding the within disposition is adequately protective of the public health, safety and welfare;

IT IS, therefore on this 30 day of November, 2010

ORDERED THAT

1. The license of Respondent to practice medicine and surgery in the State of New Jersey shall be reinstated upon satisfaction of all application requirements including a criminal history background check and payment of all applicable fees.

2. The following terms shall remain in effect until Dr. Sender has submitted documentary proof that he has been employed as a physician and has fully complied with the monitoring requirements as described herein for a period of one year and until further order of the Board. Periods of time during which Dr. Sender is not employed as a practicing physician subject to the monitoring requirements herein shall be excluded from computation of time during which Dr. Sender shall be subject to monitoring.

- P.S.*
- A. Dr. Sender may not work in a solo practice.
 - B. Dr. Sender shall make his patient charts available for review by a monitor who is pre-approved by the Board. The monitor shall be a physician who holds an unrestricted license to practice medicine in the State of New Jersey.
 - C. The monitor shall review a minimum of 5 patient charts each week and discuss the charts and reports with Dr. Sender.
 - D. The monitor shall report to the Board in writing on a quarterly basis (every three months) all information in his possession concerning Dr. Sender's compliance with the terms of this Order, and concerning Dr. Sender's professional skill level and ability to effectively and safely provide medical care to patients.
 - E. The monitor shall immediately (within forty-eight (48) hours of occurrence) report to the Board orally and in writing of any actions by Dr. Sender in violation of this

Order, any acts of negligence, and acts which place a patient a risk of harm, and any failure to cooperate with monitoring.

- F. The monitor shall sign a copy of this Order to confirm that he/she has seen this Consent Order and agrees to monitor Dr. Sender and report to the Board as indicated herein.
- G. In the event that Dr. Sender's license to practice medicine in the State of New York is reinstated, the Board will allow Dr. Sender to be monitored by a physician practicing in and licensed in New York provided that the New York physician is otherwise acceptable to the Board.
- H. Dr. Sender shall take all reasonably necessary actions to assure the cooperation of the monitor with the Board and the Attorney General.
- I. Dr. Sender shall be entirely responsible for any and all costs or expenses associated with the use of the monitor as required by the terms of this Order. Dr. Sender shall not charge any patient, third-party payor or government benefits program for the use of the monitor.
- J. Dr. Sender consents to and authorizes his monitor and the Board to provide information to each other concerning his compliance with this Order and his ability to practice medicine safely.
- K. Dr. Sender hereby waives any claim of privilege or confidentiality he may have with regard to any information that the monitor may provide under the provisions of this Order to the Board or the Attorney General, and agrees that such information may be utilized in any proceeding regarding his license.
- L. Dr. Sender shall immediately notify the board, in writing, of any change in employment, including periods when he is unemployed.
- M. Any significant deviation from the material terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Dr. Sender hereby consents to the entry of an Order of Automatic Suspension of license, upon the Board's receipt of any reliable information that Dr. Sender has failed to materially comply with any provision of this Order. The evidence upon which the Order of Automatic Suspension is based shall be provided to the Respondent within 24 hours of the entry of the Order.
- N. Dr. Sender may contest the entry of any Order of automatic suspension by submitting a written request for a hearing and specifying his reasons to contest the entry of such an Order. At any such hearing the sole issue shall be whether Dr. Sender has failed to materially comply with any provision of this Order. A meeting of a Committee of the Board shall be convened within fourteen (14) days of the receipt of Respondent's application to remove the automatic suspension.

P.S.

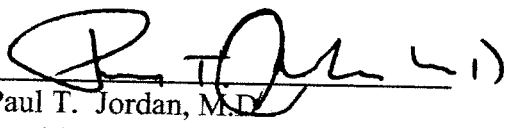
Respondent shall be granted an opportunity to present evidence limited to a showing that the information the Board relied upon was false and that he did not fail to materially comply with any provision of this Order and has not placed any patient at risk of harm. The Committee of the Board shall decide whether or not to grant Respondent's application for the removal of the automatic suspension. Such decision shall take effect immediately. The full Board shall review the Committee's decision at its next regularly scheduled meeting. In addition, the Board reserves the right to bring further disciplinary action.

Upon conclusion of one year of monitoring, if monitoring reports are acceptable to the Board, and upon the submission of a request by Dr. Sender, the Board shall eliminate the requirements of paragraph 2 above and fully restore Dr. Sender's medical license. Such approval shall not be unreasonably withheld.

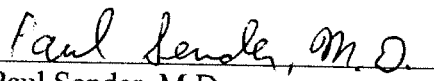
3. Dr. Sender shall obtain appropriate re-training prior to performing any surgical procedure.
4. Dr. Sender shall continue to pay the remainder of the costs and penalty imposed by the 2005 Consent Order pursuant to his agreement with Penn Credit Collections and agrees to inform Penn Credit Collections of any increase in yearly income.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____


Paul T. Jordan, M.D.
President

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


Paul Sender, M.D.

Dated: November 26, 2010

I agree to comply with the
monitoring, supervision and reporting
requirements as to the Monitor
under this Order.

PRINT NAME:

Monitor

Dated: _____