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FILED

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**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

MARK M. O'CONNELL, M.D.
LICENSE NO. 25MA06567600

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER
GRANTING RESTRICTED LICENSE

This matter was most recently opened to the New Jersey Board of Medical Examiners (the "Board") upon receipt of a petition from Mark M. O'Connell, M.D. ("Respondent") seeking reinstatement of his license to practice medicine and surgery in the State of New Jersey. Respondent signed a Consent Order filed on September 11, 2006 wherein he voluntarily surrendered his license to practice medicine and surgery based upon a report from the Professional Assistance Program of New Jersey ("PAP") that respondent relapsed into substance abuse.

Pursuant to a Consent Order, filed on June 13, 1997 respondent was initially granted a

limited license to practice medicine and surgery in New Jersey based upon a history of polysubstance abuse. Respondent was granted an Order of Unrestricted License on June 4, 2001. In May 2002 he voluntarily surrendered his license following his admission of diverting Fentanyl and suffering from a relapse into substance abuse. Respondent was again granted a limited license pursuant to a Consent Order, filed on September 12, 2002 and was granted an unrestricted license pursuant to Consent Order, filed on May 17, 2004 until his voluntary surrender on September 11, 2006.

Dr. O'Connell appeared before the Committee on October 21, 2009 seeking reinstatement of his license. At that time, the Board determined that his petition for reinstatement was premature. The Board found that Dr. O'Connell had been regularly drinking wine despite his participation in Alcoholics Anonymous and the PAP. The Board requested that respondent undergo a neurological examination regarding his ability to perform invasive cardiology and to practice medicine and surgery.

On November 17, 2010 respondent appeared pro se before a Committee of the Board, accompanied by David Canavan, M.D., of the PAP. Respondent testified about his compliance with the monitoring program established by the PAP, his fitness to return to the practice of medicine and surgery and his ability to perform invasive cardiology. The PAP submitted a statement in support of reinstatement of respondent's license subject to certain conditions, including continued monitoring by PAP, participation in a support group, continued involvement with his psychotherapist and urine monitoring. In addition, Dr. Canavan testified in support of respondent's request for reinstatement subject to the conditions recommended by the PAP.

The Board having reviewed respondent's testimony, reports from respondent's psychotherapists and neurologist and the recommendations of the PAP, as well as all relevant documentation submitted; respondent having waived any right to a hearing and agreeing to the terms of the within Order; and the Board finding that the within Order is adequately protective of the public health, safety, and welfare;

IT IS therefore on this 25TH day of FEBRUARY, 2011

ORDERED THAT:

1. Respondent's license to practice medicine and surgery shall be reinstated with restrictions upon fulfillment of all application requirements, including the payment of all licensing fees and subject to the terms and conditions of this Consent Order. In the event respondent seeks an amendment of the within Consent Order or an unrestricted license, respondent shall appear before a Committee of the Board, if so requested by the Board. The burden shall be on respondent to demonstrate that he has completed a minimum of one year of full compliance with this Consent Order and that he is fit and competent to practice medicine and surgery without any restriction(s). The Board reserves the right to impose any conditions it deems appropriate to protect the public health, safety and welfare.
2. Respondent shall practice medicine and surgery solely in a hospital or institutional setting and/or a setting pre-approved by the Board. Respondent must receive pre-approval from the Board to work in any setting other than a hospital or institutional setting.
3. Respondent shall notify the Board in writing of the name, address and telephone number of each entity or practice where he practices medicine and surgery prior to beginning

such practice, including any change in employment or periods when he is working in a field other than medicine.

4. Respondent shall be supervised by a supervising physician pre-approved by the Board, if he engages in invasive cardiology. The supervisor shall have knowledge of respondent's medical condition and shall have reviewed each of the prior Consent Orders as well as the within Consent Order. The supervisor shall have the authority to require appropriate professional behavior of respondent and shall determine whether respondent's practice of invasive cardiology should be subject to any limitations, and shall require those limitation be in place, in addition to those provided in this Consent Order. The supervising physician shall sign a copy of the within Consent Order confirming with the Board, in writing, that he or she has read and understands this Consent Order, agrees to supervise respondent's practice of invasive cardiology and submit quarterly and immediate reports directly to the Board. A copy of the Consent Order signed by the supervisor shall be sent to the Board no later than ten (10) days prior to respondent engaging in invasive cardiology.

5. If a supervising physician is approved by the Board and respondent engages in invasive cardiology, the initial report of the supervising physician shall include an evaluation of respondent's invasive cardiology skills. The report shall describe the evaluation plan, the number and type of invasive cardiology procedures that the supervising physician personally observed respondent perform, the supervising physician's opinion of respondent's current level of skill and dexterity, whether respondent's practice of invasive cardiology should be subject to any limitations and how any limitations of practice have been implemented, as well as comment

on respondent's progress in engaging in invasive cardiology. The initial report shall be submitted no later than ninety (90) days after respondent begins engaging in invasive cardiology. The supervising physician shall continue to submit quarterly reports directly to the Board describing the number and type of invasive cardiology procedures respondent has performed each quarter and describe respondent's level of competence, skill, dexterity and respondent's ability to perform invasive cardiology procedures.

6. The supervising physician shall immediately (within forty-eight (48) hours of occurrence) report to the Board orally and in writing any actions by respondent in violation of this Consent Order, any practice beyond the limitations set by the supervisor, any incidents in which the supervisor deems respondent's ability to perform the procedure is in question, or any failure of respondent to cooperate with the supervising physician.

7. Respondent consents to his supervising physician and the Board providing each other with information concerning his professional behavior and progress.

8. Respondent shall ensure that if he engages in invasive cardiology the Board will receive a copy of this Consent Order signed by his supervising physician and quarterly reports. Respondent shall take all necessary actions to assure the cooperation of his supervising physician with the Board and the Attorney General.

9. Respondent shall maintain absolute abstinence from all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with immediate written notification to the Medical Director of the PAP. Respondent's associates or family members shall not be considered treating physicians for the purpose of prescribing

psychoactive drugs.

10. Respondent shall attend a support group of Alcoholics Anonymous and/or Narcotics Anonymous a minimum of three times per week and shall submit proof of attendance to the Medical Director of the PAP.

11. Respondent shall submit to twice-weekly random urine monitoring for the first year of his return to practice of medicine and surgery. After completion of one year of twice-weekly random urine screening and one year of return to practice, the frequency of the urine monitoring may be decreased, at the discretion of the Medical Director of the PAP, to a minimum of once weekly random urine screening for the second year of return to practice, upon written notification detailing and explaining the basis for decreasing the number of urine tests per month and approval by the Board. The initial screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry. The testing procedure shall include a forensic chain of custody to ensure sample integrity and provide documentation thereof.

12. Respondent shall participate in monthly face-to-face visits with a representative of the PAP for a minimum of one year following return to the practice of medicine and surgery, followed by face-to-face meetings every two months for the second year of return to the practice of medicine and surgery. Thereafter, the frequency of the visits may be decreased at the discretion of the Medical Director of the PAP upon written notification to the Board detailing and explaining the basis for decreasing the monthly visits and approved by the Board.

13. Upon return to the practice of medicine and surgery, respondent shall engage in

weekly psychotherapy with his psychotherapist, approved by the Medical Director of the PAP with written notification to the Board, for a minimum of one year. The psychotherapist shall sign a copy of the within Consent Order confirming with the Board, in writing, that he or she has read and understands this Consent Order and agrees to provide psychotherapy to respondent. A copy of the Consent Order signed by the psychotherapist shall be sent to the Board no later than fifteen (15) days after respondent's commencement of the practice of medicine and surgery.

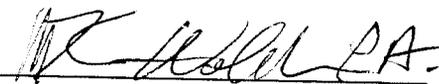
After one year of compliance with this Consent Order and one year of weekly psychotherapy, the number of sessions per month may be decreased at the discretion of the Medical Director of the PAP upon written notification to the Board detailing and explaining the basis for decreasing the weekly visits. Termination of psychotherapy is to be upon recommendation of the Medical Director of the PAP upon written notification to the Board detailing and explaining the basis for termination and approval by the Board.

14. The PAP shall submit quarterly reports to the Board outlining respondent's participation in his recovery program, with immediate notification (within 48 hours of awareness of occurrence) of evidence of a relapse or non-compliance with any of the terms of the within Consent Order.

15. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating respondent has violated any term of this Order, including but not limited to a confirmed positive urine, a relapse use of alcohol or psychoactive substance without the approval of a treating physician for medical indications, respondent's license may be

automatically suspended by the Board. Respondent, upon five (5) days notice, may request a hearing to contest the entry of such an order. At any such hearing the sole issue shall be whether any of the information received regarding respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: 
Paul T. Jordan, M.D.
Vice President KEVIN WALSH, P.A.

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.



Mark M. O'Connell, M.D.

Dated: 1/14/2011

I have read the within Consent Order and agree to provide psychotherapy to respondent in accordance with this Order.



Dated: 2-8-11

Print Name Psychotherapist SEAN HAGER, LCSW, LCADC

License No. N.J. LCSW: 445000359100

N.J. LCADC: 37400056300

I have read each of the Consent Orders and respondent's medical records and agree to comply with the monitoring and reporting requirements as the supervising physician of Dr. Mark O'Connell's practice of invasive cardiology under this Order.

Dated: _____

Print Name and License No.
Supervising Physician

→ As per our phone agreement, this will be signed & billed out when there is an employer who can serve as a supervising physician.

Consent to on behalf of the PAP-NJ

*Mark O'Connell
2/7/11*



Louis E. Baxter, M.D.
Executive Medical Director

Dated: 2/11/11