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FILED

March 10, 2011

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Carla M. Silva
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF:

Administrative Action

Ross B. Finesmith, M.D.
License No. MA 058190

ORDER OF
REVOCATION

TO PRACTICE MEDICINE
AND SURGERY IN THE STATE OF
NEW JERSEY

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon receipt of information that on July 14, 2005 Ross B. Finesmith, M.D. was indicted in the Superior Court of New Jersey, Law Division - Criminal, Somerset County, for knowingly offering, through any means, including the Internet, a photograph, computer program or file, or any other reproduction or reconstruction, which depicts a child engaging in a prohibited sexual act or in the simulation of such an act as defined by N.J.S.A. 2C:24-4b(1), contrary to the provisions of N.J.S.A. 2C:24-4b(5)(a), and knowingly possessing

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or knowingly viewing a photograph, computer program or file which depicts a child engaging in a prohibited sexual act or in the simulation of such an act as defined by N.J.S.A. 2C:24-4b(1), including on the Internet and also contained on various computer media, contrary to the provisions of N.J.S.A. 2C:24-4b(5)(b). A Consent Order of Voluntary Surrender was entered on or about March 27, 2006 pursuant to which respondent agreed to surrender his license to practice medicine and surgery with leave to apply for reinstatement of his license upon the resolution of the pending criminal charges.

On September 30, 2010, Ross B. Finesmith, M.D. pled guilty to one count of fourth degree Endangering the Welfare of a Child (Possession of Child Pornography) in violation of N.J.S.A. 2C:24-4(b)(5)(b) in the Superior Court of New Jersey, Law Division - Criminal, Somerset County. Respondent entered a plea agreement to permanently forfeit his medical licenses in New Jersey and New York, and not to seek or obtain a license to practice medicine in any jurisdiction at any time in the future. The Consent Order resolving the indictment filed in Somerset County was entered on January 28, 2011.

The Board finds that respondent's conviction constitutes violations of N.J.S.A. 45:1-21(e) (providing that disciplinary action may be taken against a licensee who engages in professional or occupational misconduct), 45:1-21(f) (providing

that disciplinary action may be taken against a licensee that has been convicted of any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board), and 45:9-6 (providing that a licensee of the Board of Medical Examiners has an on-going duty to demonstrate good moral character).

The Board being satisfied that good cause exists to support entry of the within Order,

IT IS on this 10 day of March, 2011

ORDERED and AGREED:

1. Respondent Ross Finesmith's, M.D., license to practice medicine and surgery is hereby revoked.
2. Respondent is permanently barred from re-application for licensure by this Board.
3. Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, upon receipt of a filed copy of this Order.
4. Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, upon receipt of a filed copy of this Order.

5. Respondent shall immediately advise the DEA of this Order.

6. Respondent shall comply with the attached "Directives Applicable to Any Medical Board Licensee Who Is Disciplined or Whose Surrender of Licensure Has Been Accepted," which Directives are incorporated herein by reference.

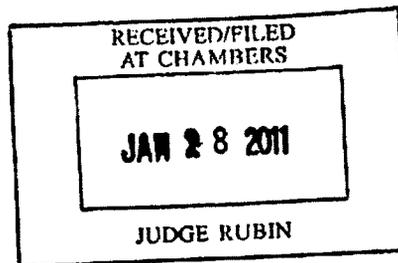
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:



Paul T. Jordan, M.D.
Board President

PAULA T. DOW
ATTORNEY GENERAL
STATE OF NEW JERSEY
BY: KENNETH R. SHARPE
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
25 MARKET STREET
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TRENTON NJ 08625
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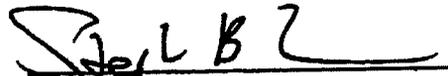
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|--|---|
| <p>STATE OF NEW JERSEY</p> <p>Plaintiff,</p> <p>v.</p> <p>ROSS FINESMITH</p> <p>Defendant.</p> | <p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION (CRIMINAL) COUNTY OF HUNTERDON SGJ Indictment No. 05-07-00111-S</p> <p>CONSENT ORDER</p> |
|--|---|

This matter having been opened to the Court on the State's motion to sentence defendant ROSS FINESMITH on Indictment #05-07-00111-S, and the State being represented by Deputy Attorneys General Kenneth R. Sharpe and Lee Schaer, and defendant ROSS FINESMITH being represented by Paul B. Brickfield, Esquire, of Brickfield & Donahue, and Alain Leibman, Esquire, of Fox & Rothschild LLP, and both parties having entered into a plea agreement resolving this case and, pursuant to that agreement defendant having pled guilty to one count of fourth degree Endangering the Welfare of a Child (Possession of Child Pornography) in violation of N.J.S.A. 2C:24-4(b)(5)(b) on September 30, 2010, and also pursuant to that agreement defendant having agreed to permanently forfeit his medical licenses in New Jersey and New York, and defendant having further agreed not to seek or obtain a license to practice medicine in

any jurisdiction at any time in the future, and the Court having reviewed and considered said plea agreement, including the provisions of this order, and the Court having accepted said plea agreement, and for good cause shown,

IT IS on this 28 day of Jan, 2011, ORDERED as follows:

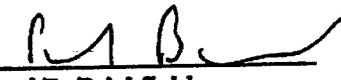
1. Defendant shall permanently forfeit all licenses to practice medicine he currently holds, including but not limited to, his licenses to practice medicine in New Jersey and New York; and
2. Defendant shall be permanently barred from practicing medicine in any jurisdiction at any time in the future; and
3. This order shall stay in full force and effect at all times in the future unless and until a Court rescinds or modifies it, and it shall remain in effect regardless of the completion of any aspect of defendant's sentence; and
4. A copy of this order shall be served on the New Jersey Board of Medical Examiners and the New York State Board for Medicine Licensure.


The Honorable Stephen B. Rubin
Judge of the Superior Court

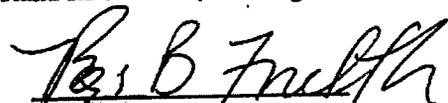
I hereby consent to the form
and entry of the within Order


Kenneth R. Sharpe,
Deputy Attorney General

I hereby consent to the form
and entry of the within Order


Paul B. Brickfield,
Attorney for the Defendant

I have read the foregoing consent order, I understand its contents, and I agree to be bound by it.


Ross B. Finesmith
Defendant

**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.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**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.