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FILED

JUNE 30, 2011

**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

**KEITH E. FRASER, M.D.
LICENSE NO. 25MA053154**

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

**AMENDED 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 request from Keith Fraser, M.D. ("Respondent") seeking reinstatement of his license to practice medicine and surgery in the State of New Jersey. Based upon respondent's admission that during the examination of a female patient at his medical office, he touched the patient's breast for no medical purpose, respondent's license was suspended for three (3) years (commencing August 16, 2009) pursuant to a Consent Order, filed July 17, 2009. The initial year of the suspension was served as an active suspension, with the remaining two (2) years stayed to be served as a period of probation conditioned upon Dr. Fraser's compliance with the provisions of the Consent Order. The Consent Order also required

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respondent to pay a civil penalty in the amount of \$ 10,000.00, costs in the amount of \$ 3,201.03 and to attend and successfully complete one Board approved ethics course within one (1) year of the date of the Consent Order. In addition, the Consent Order provided that Dr. Fraser was to undergo a psychosexual evaluation at the Joseph J. Peters Institute and comply with the recommendations as to treatment, monitoring or practice restrictions.

Respondent's New York license was suspended in May 3, 2010 based upon and concurrent with this Board's Consent Order. Pursuant to the New York Order respondent is subject to a permanent restriction requiring the presence of a chaperone when examining and/or treating female patients. On August 10, 2010, respondent was disciplined by the New York State Office of Medicaid Inspector General for professional misconduct and is excluded from a State Health Care Program based upon a finding that respondent engaged in professional misconduct. Respondent was also investigated by AmeriChoice, a Medicaid HMO, for encoding discrepancies and was ordered to remit \$ 40,000.00 to the Medicaid HMO. However, the payment was discharged as part of a January 28, 2010 bankruptcy action.

Dr. Fraser appeared with counsel, Bonnie Weir, Esq. on November 17, 2010. Dr. Fraser acknowledged that in 2008 he touched a female patient's breast for no medical purpose. Respondent described the patient as Hispanic, in her late thirties and stated that she used a wheelchair after suffering a stroke. Respondent testified that at the time he committed this transgression, he failed to recognize the true seriousness of his violation but he now recognizes the egregiousness of his conduct. Dr. Fraser maintained that he now understands the impact of his behavior on the emotional, physical, and psychiatric well-being of his patient. Dr. Fraser

asserted he now comprehends that he violated his patient's trust in him and in the medical profession.

Pursuant to the 2009 Consent Order, Dr. Fraser underwent a psychosexual evaluation at the Joseph J. Peter's Institute in March 2009 which recommended that he engage in individual and group psychotherapy. Respondent testified that he has continued in therapy, has gained insight into his misconduct and has learned new coping skills for dealing with stressful situations. Respondent presented documentation from each of his therapists supporting his request for reinstatement. Both therapists asserted that respondent has accepted full responsibility for his transgression.

Dr. Fraser submitted documentation of his compliance with the 2009 Consent Order. He successfully completed the Prime-E (Professional Renewal in Medicine [through] Ethics) course and submitted proof that he paid the civil penalty but did not pay costs which were discharged in the January 28, 2010 bankruptcy action.

Dr. Fraser consenting and agreeing to the terms of this Consent Order and the Board finding that respondent has been compliant with the 2009 Consent Order, and respondent appearing to understand the egregiousness of his conduct and having taken clear steps toward rehabilitation, and the Board finding the within disposition is adequately protective of the public health, safety and welfare,

IT IS, therefore on this 30TH day of JUNE, 2011

ORDERED THAT

1. Respondent's license shall be reinstated on probation for the remainder of the

three year period of suspension of his license to practice medicine and surgery. He shall be issued a restricted license upon fulfillment of all application requirements, including the payment of all licensing fees and subject to the terms and conditions of this Consent Order. Dr. Fraser may petition the Board to end the period of probation no earlier than August 17, 2012. In the event respondent seeks 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 full compliance with the within 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. During the probationary period, respondent shall practice medicine and surgery solely in a hospital, institutional setting and/or a setting pre-approved by the Board.

3. Respondent's license to practice medicine and surgery shall have a permanent condition requiring a chaperone to be present for the examination and treatment of all female patients. The chaperone shall be present throughout the patient encounter and shall maintain a clear line of sight to the patient. The chaperone shall initial or sign the patient record next to the appropriate visit to verify that he or she was present for the entire patient encounter and examination.

- a. The chaperone(s) shall be a licensed health care professional who holds a valid and unencumbered license in the State of New Jersey;
- b. During the probationary period, the chaperone shall not be employed by respondent and shall be pre-approved by the Board;
- c. Respondent shall provide to the Board in writing the full name, home address,

telephone number, type of license and license number of each chaperone. Respondent shall inform the Board in writing within five (5) days of any change in any of the information he provides to the Board with regard to each chaperone.

4. The chaperone(s) shall report to the Board in writing on a quarterly basis all information in his or her possession concerning respondent's compliance with the terms of this Order and respondent's professional behavior and interaction with female patients.

5. Respondent shall be supervised at all professional settings by a supervising physician pre-approved by the Board. The supervisor shall have telephone or face-to-face contact with respondent on a weekly basis and discuss respondent's progress and patient interaction issues. The supervisor shall have knowledge of Dr. Fraser's past boundary violation, including the Consent Order, filed on July 17, 2009, and shall have the authority to require appropriate professional behavior of respondent. The supervisor shall meet face-to-face with respondent at least once a month to discuss his progress and oversee his work schedule and patient interactions. The supervisor shall review patient records, including verifying the presence of the chaperone. The supervisor 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 the Consent Order, filed on July 17, 2009 and agrees to supervise respondent and report 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 beginning practice in a hospital, institutional and/or other setting pre-approved by the Board.

6. The supervisor shall report to the Board in writing on a quarterly basis all information in his or her possession concerning respondent's compliance with the terms of this

Order, and concerning respondent's professional behavior and progress when treating patients, as well as other professional settings and specifically including a discussion of respondent's understanding of ethical and boundary issues applicable to the practice of medicine and surgery. The first quarterly report shall be due no later than three months after the supervisor has been approved.

7. Respondent shall remain in therapy with his current therapist(s), or with another therapist pre-approved by the Board who is experienced in dealing with professionals who have committed boundary violations. Respondent shall meet with therapist(s) during the entire period of probation and until further Order of the Board. The treating therapist(s) shall file quarterly reports with the Board expounding upon respondent's progress in therapy and specifically discussing respondent's ability to deal with boundary issues. Initially respondent shall meet with his therapist(s) at a minimum of once per week. After the filing of the first quarterly report with the Board and a minimum of three months after respondent has returned to the practice of medicine and surgery, frequency of the sessions may be decreased at the discretion of the treating therapist(s) upon written notification to the Board detailing and explaining the basis for decreasing the number of sessions per month and receipt of approval by the Board. Unilateral cessation of therapy by respondent shall constitute a violation of this Order. The therapist shall immediately (within 3 days) report to the Board in writing if respondent unilaterally ceases therapy or if treatment ceases for any other reason. Only periods of time during which respondent is in active therapy shall be counted toward the period of probation. In the event respondent ceases therapy with his current therapist or a Board approved therapist, respondent

shall notify the Board in writing within three (3) days of cessation of treatment with the reasons and shall submit the credentials of an alternative therapist to the Board for pre-approval of the therapist within ten (10) days thereafter.

8. The therapist shall report to the Board in writing on a quarterly basis all information in his or her possession concerning respondent's compliance with the terms of this Order, and concerning the professional behavior and progress of respondent. The reports shall expound upon respondent's progress in therapy and specifically include a discussion of respondent's understanding of ethical and boundary issues applicable to the practice of medicine and surgery.

9. The chaperone, supervisor and therapist shall immediately (within forty-eight [48] hours of occurrence) report to the Board orally and in writing any violations of this Order, any boundary violations, or failure to cooperate with the chaperone, supervision, or therapy requirement.

10. Respondent shall immediately notify the Board, in writing, of any change in employment, including periods when he is unemployed. During the probationary period, respondent must receive pre-approval from the Board to work in any setting other than a hospital or institutional setting.

11. Respondent shall not charge any patient, third-party payor or government benefits program for the use of the chaperone, supervisor or therapist.

12. Respondent shall provide his written consent authorizing his chaperone, supervisor, therapist and the Board to provide information to each other concerning his professional behavior and progress.

13. Respondent shall ensure that the Board receives quarterly reports from his chaperone, supervisor and therapist and shall take all reasonably necessary actions to assure the cooperation of the chaperone, supervisor and therapist with the Board, the Attorney General and the Medical Director.

14. Respondent hereby waives any claim of privilege or confidentiality he may have with regard to any information that the chaperone, supervisor or therapist may provide under the provisions of this Order to the Board, the Attorney General or the Medical Director, and agrees that such information may be utilized in any proceeding regarding his license.

15. The requirements with regard to the chaperone, supervisor and therapist pursuant to this Order shall remain in effect during the period of probation prescribed by this Order and until further Order of the Board.

16. During the first year of return to practice respondent shall fully and successfully complete a record keeping and a billing course, pre-approved by the Board. Respondent shall submit to the Board written documentation of full attendance and successful completion of the course within thirty (30) days of completion of the course.

17. 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, the stayed period of suspension shall be activated and respondent's license may be automatically suspended by the Board. Respondent, upon five 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

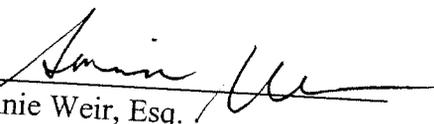
By: 
Paul Jordan, M.D.
President

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


Keith Fraser, M.D.

Dated: 5.2.11

Consent as to form:


Bonnie Weir, Esq.
Attorney for Keith Fraser, M.D.

I have read the within Amended Consent Order and agree to comply with the monitoring and reporting requirements for the chaperone under this Order.

Print Name and Title of Chaperone
License No.

Dated: _____

I have read the within Amended Consent Order and the Consent Order filed on July 17, 2009 and agree to comply with the monitoring and reporting requirements as the therapist under this Order.

Print Name and Title of Therapist
License No.

Dated: _____

I have read the within Amended Consent Order and the Consent Order filed on July 17, 2009 and agree to comply with the monitoring, supervision and reporting requirements as the supervisor under this Order.

Print Name of Supervisor
License No.

Dated: _____

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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 :

KEITH FRASER, M.D.
LICENSE NO. 25MA053154

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF NEW
JERSEY

**CERTIFICATION OF
KEITH FRASER, M.D.**

Keith Fraser, M.D., upon his oath, certifies as follows:

1. I am the Respondent in the above referenced matter.
2. On December 23, 2010, I executed a Consent Order Granting Restricted License. I acknowledge my understanding that pursuant to the Consent Order I may not work in the State of New Jersey until such time as the signatures of a chaperone, therapist and supervisor are provided on page 10 of the Consent Order, presented to the Board and accepted by the Board. Additionally, I acknowledge that if I seek to be employed in a setting other than a hospital or institutional setting, such employment must be approved by the Board prior to my working for such person or entity.
3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

Dated: December 29, 2010


Keith Fraser, M.D.