

FILED

AUGUST 2, 2011

**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:

JOSEPH SISON, M.D.
License No. 25MA05590100

CONSENT ORDER OF
VOLUNTARY SURRENDER
OF LICENSE

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of notification from the Medical Practitioner Review Panel (the "Panel") that respondent Joseph Sison, M.D. (who was the subject of a Panel investigation) is a physician who may represent an imminent danger to his patients. See N.J.S.A. 45:9-19.9(c)(1).

The Panel commenced an investigation of respondent's practice upon receipt of notification from Englewood Hospital and Medical Center ("EHMC") that Dr. Sison's clinical privileges at EHMC were summarily suspended on April 27, 2011. EHMC's action was taken after Dr. Sison admitted to having consumed alcohol with dinner on the evening of April 25, 2011, at a time that respondent was on call (from home) for the Neonatal Intensive Care Unit (the "NICU"). When appearing before the Panel, respondent testified that he consumed three to four glasses of wine and two glasses of sangria while he was on call.

Respondent's NICU shift started at 6:00 p.m. on April 25, 2011, and continued through 9:00 a.m. on April 26, 2011. During a

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meeting at EHMC on April 26, 2011, two individuals noted that Dr. Sison appeared to be "disengaged from what was being discussed" and detected a "strong medicinal smell." Respondent thereafter submitted to a blood test which was drawn at approximately 3:00 p.m. on April 26, 2011, and was found to have a blood alcohol level of approximately 0.07% (in New Jersey, a person with a blood alcohol level of 0.08% or greater who operates a motor vehicle is considered to be under the influence). Respondent subsequently resigned his employment with EHMC on May 4, 2011.

In addition to information regarding Dr. Sison's having consumed alcohol while on call, other information provided by EHMC suggests that, at the time that the summary suspension was entered, Dr. Sison was the subject of an investigation at EHMC. That investigation was predicated on allegations made by other physician(s) at EHMC, to include without limitation allegations that Dr. Sison had been observed to be "intoxicated and stumbling over furniture at a NICU nurse's retirement party,"; and had been noted on one occasion to have the "smell of alcohol on his breath" while having assisted another physician in replacing a chest tube. The complaint also included a series of allegations questioning and raising concerns related to Dr. Sison's mental acuity.

Respondent appeared before the Panel for an investigative hearing on July 22, 2011, represented by Robert A. Blass, Esq., and accompanied by Louis E. Baxter, M.D., representing the Professional

Assistance Program of New Jersey. During the appearance, respondent was asked questions regarding the incidents that occurred at EHMC. The Panel observed that respondent appeared to have difficulty recalling the names of individuals involved in recent incidents, the dates of recent incidents and specific information concerning those incidents. Those difficulties in turn raised concerns among members of the Panel concerning both Dr. Sison's mental status and his competency to safely practice medicine.

In lieu of administrative proceedings in this matter, respondent herein voluntarily agrees to presently surrender his license to practice medicine in New Jersey. In doing so, respondent does not specifically admit to any allegations that have been made by other physicians at EHMC regarding his conduct and/or his mental acuity, but does admit that he consumed not less than five glasses of wine or sangria when he was on call for the NICU on April 25 and April 26. Respondent consents to submit to a mental status evaluation, to be performed by a psychiatrist or assessment entity acceptable to the Board, and to participate with the Professional Assistance Program at all times subsequent to the entry of this Order. The Board finding that the within Order is adequately protective of the public interest, and finding that good cause exists for the entry of this Order,

IT IS on this 2nd day of August, 2011:

ORDERED and AGREED:

1. Respondent Joseph Sison, M.D., hereby voluntarily surrenders his license to practice medicine and surgery in the State of New Jersey. Respondent shall immediately, upon execution of this agreement, cease and desist from engaging in any medical practice in the State of New Jersey.

2. Respondent may, not sooner than ninety days from the date of entry of this Order, apply for leave from the Board for reinstatement of his medical license, upon his submission to the Board of the following reports:

a) A report detailing the results of a comprehensive mental status evaluation, to be performed by a psychiatrist or evaluation entity approved by the Board. Respondent explicitly consents and authorizes the Board to provide all information in its files to the evaluator, to include without limitation any documents provided to the Panel by Englewood Hospital and a copy of the transcript of respondent's appearance before the Panel. The evaluation report is to include all findings made upon examination of respondent's mental status, and shall include an opinion from the evaluating psychiatrist or entity whether respondent may safely resume the practice of medicine in New Jersey, and, if so, include recommendations whether any specific conditions or limitations should be placed upon any resumed practice.

b) A report from the Professional Assistance Program of New Jersey, which report shall detail respondent's participation

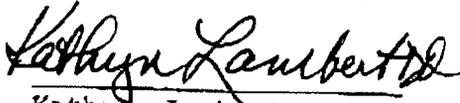
with the PAP subsequent to the date of entry of this Order, and include any recommendations that the PAP may have for any resumed practice of medicine in New Jersey, to include without limitation recommendations concerning the frequency with which respondent should be subjected to random urine monitoring; recommendations whether respondent should be required to attend meetings of any 12 step program groups; recommendations whether any resumed practice of medicine in New Jersey by respondent should be in limited settings, and/or subject to monitoring by any employer or other physician(s); and all other recommendations that the Professional Assistance Program may, in its judgment, deem to be appropriate. Respondent explicitly consents and authorizes the Board to provide all information in its files to the Professional Assistance Program, to include without limitation any documents provided to the Panel by Englewood Hospital and a copy of the transcript of respondent's appearance before the Panel.

c) Upon submission of the above two reports, respondent shall be scheduled to appear before a Committee of the Board, and shall then be required to demonstrate, to the satisfaction of the Board, that he is fit to resume the practice of medicine.

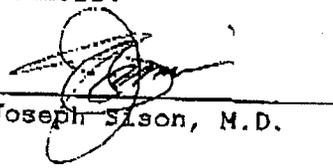
d) Following review of the reports required above and any testimony that may be offered by respondent at an appearance before a Committee of the Board, the Board may, upon being satisfied that an adequate demonstration has been made that respondent may safely

resume the practice of medicine in New Jersey, enter a subsequent Order reinstating respondent's license to practice. Any such Order may include all conditions and limitations which the Board, in its sole discretion, shall deem necessary and appropriate.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: 
Kathryn Lambert, D.O.
Board Vice President

I hereby agree to voluntarily surrender my license to practice medicine and surgery in the State of New Jersey, and to immediately cease and desist from engaging in any further medical practice in New Jersey. I further consent to be bound by all terms and conditions of this Order. I consent to the entry of this Order by the Board of Medical Examiners.


Joseph Sison, M.D.

Consent to the form and entry of this Order by the Board of Medical Examiners.


Robert A. Blass, Esq.

**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.