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FILED

August 23, 2012

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Doreen A. Hafner
Deputy Attorney General
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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 : Administrative Action
OR REVOCATION OF THE LICENSE OF :
 :
VICTOR TAURO, M.D. :
License No. 25MA04639300 : CONSENT ORDER
 :
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

This matter was originally opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of a patient complaint alleging indiscriminate prescribing of Controlled Dangerous Substances by Victor Tauro, M.D. ("Respondent"). On February 17, 2010, Respondent appeared with counsel before a Preliminary Evaluation Committee of the Board to discuss his care, treatment, and prescribing practices for six patients. On March 25, 2011, Respondent entered into a Consent Order which suspended his license to practice medicine and surgery for a period of two years. This two year period of suspension was stayed to be served as a period of probation upon Respondent's full compliance with the other provisions of the Order. The March 25th Order further

CERTIFIED TRUE COPY

required Respondent to undergo a full evaluation and assessment by the Upstate NY Clinical Competency Center-Albany Medical College ("Albany") and to fully and satisfactorily complete the entirety of any recommendations made by Albany. In addition, the Consent Order set forth that until Respondent's evaluation and assessment by Albany was completed and received by the Board, a Board-approved monitor was required to review five of Respondent's patient records per month.

Based on the receipt of Albany's evaluation and assessment, including all recommendations contained therein, Respondent consents and agrees to each and every term of this Consent Order.

Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board finding the within disposition to be adequately protective of the public health, safety and welfare, and for other good cause shown, and all parties agreeing to the terms of this Order;

IT IS on this 23rd day of August, 2012,

ORDERED:

1. In continuation of the Consent Order entered on March 25, 2011, Victor Tauro's, M.D. license to practice medicine and surgery in the State of New Jersey remains suspended for a period of two years. This two year period of suspension continues to be stayed and served as a period of probation conditioned upon Dr. Tauro's

compliance with the provisions enumerated in this Order.

2. Victor Tauro, M.D. ("Respondent") shall immediately transfer any and all existing patients whom he is treating for chronic pain to a pain management specialist, and cease and desist from prescribing any Controlled Dangerous Substances ("CDS") to said patients or any future chronic pain patients until further Order of the Board.

3. Respondent shall cease and desist from prescribing Oxycontin, Duragesic patches, Fentanyl, and/or Methadone to any patient until further Order of the Board.

4. Respondent shall not prescribe any Schedule II or III CDS to any patient whom Respondent has not treated and/or evaluated on a prior occasion in the course of his routine medical practice and for whom Respondent has not maintained a patient record in the ordinary course of business until further Order of the Board.

5. With respect to any prescription for Schedule II or III CDS written by Respondent, to the extent said prescription is not otherwise prohibited by paragraphs 2, 3, and/or 4 herein, Respondent shall, until further Order of the Board:

i. Limit said prescription to no longer than a three (3) day supply of a medically appropriate dosage of the CDS, with no refills and no renewal of said prescription; and

ii. Provide the Board within five (5) days of writing the prescription with a copy of the prescription and the pertinent

information from the patient's medical record justifying the medical need for said prescription.

6. Respondent shall take and unconditionally pass the Special Purpose Examination ("SPEX") administered by the Federation of State Medical Boards on or before December 31, 2012.

7. After Respondent unconditionally passes the SPEX examination, he must provide the Board with quarterly reports detailing his Continuing Medical Education activities.

8. If Respondent fails to unconditionally pass the SPEX examination on or before December 31, 2012, his license shall be automatically suspended until such time that he passes the examination and appears before the Board, or a Committee thereof, to demonstrate his continued fitness to practice medicine and surgery in the State of New Jersey.

9. In continuation of the March 25, 2011 Consent Order and until such time that Respondent unconditionally passes the SPEX examination, a Board-approved monitor shall review any of Respondent's patient records, not to exceed five patient records per month. If Respondent has ceased seeing patients, he shall provide a certification to that effect to the Board. He shall immediately notify the Board if and when he resumes seeing patients and the required monitoring will immediately resume.

The requirements for the monitoring of Respondent's practice of medicine are set forth below:

-The monitor must be approved in advance by the Board and shall be Board-certified in Internal Medicine and licensed in this State. The monitor must not be a relative of Dr. Tauro. In addition, the monitor must not be someone with whom he has or had a supervisory or financial relationship. Dr. Tauro shall promptly submit to the Board a curriculum vitae of the proposed monitor, along with his/her signed acknowledgment that he/she read this Consent Order and agrees to accept the responsibilities as set forth herein. Approval of the monitor is at the sole discretion of the Board but shall not be unreasonably withheld. The Board's prior approval of Angelo Scotti, M.D. continues under the terms of this Consent Order.

-The monitor shall independently select the patient records from a copy of Dr. Tauro's practice's daily appointment book/daily sign-in sheets for the month. Within five business days of the monitor informing Dr. Tauro which patient records were selected, he shall be responsible to provide the monitor with certified true copies of the patient records. For each patient record selected, Dr. Tauro shall provide the entirety of the selected patient's record to the present date including, but not limited to, intake documents, examination findings, diagnostic tests ordered and results thereof, treatment rendered, and fees charged in the context of billings. If necessary, the monitor shall have unfettered access to original patient medical records.

-The monitor shall submit monthly written reports to the Board with a copy to counsel for both parties. The report shall summarize the nature of the work reviewed and include at least the following information: each patient chart reviewed identified by patient name, type of case, accuracy and completeness of charting, and comments on the quality of professional service(s) rendered. If the patient record denotes that there was prescribing of Controlled Dangerous Substances

and/or the treatment of diabetes, generalized anxiety disorder and/or depression, the monitor shall review the patient record to ascertain whether there is adequate medical justification for the treatment rendered and whether the treatment conforms to the accepted standards of practice. Dr. Tauro agrees that the monitor shall neither have nor incur any liability as a result of his/her good faith performance as a monitor.

-The monitor shall make immediate report to the Board and counsel to both parties of any instances where he/she makes a determination that Dr. Tauro failed to materially comply with the monitoring provisions of this Order.

-The cost of the monitor's services shall be borne by Dr. Tauro and shall not be passed on to patients/third party payors.

-The monitor shall comply with the requirements of HIPAA (45 CFR Parts 160 and 164) and maintain and respect the confidentiality of patients and any individually identifiable health information he/she may acquire in the necessary performance of his/her functions, and shall not make any disclosures of information concerning individual patients other than disclosures to the Board and counsel for both parties as may be necessary to comply with this Order.

10. Respondent must promptly begin individual psychotherapy with a Board-approved psychologist or psychiatrist. Board approval of a psychologist or psychiatrist will not be unreasonably withheld. Such therapy must be started within thirty days after the entry of this Consent Order. The Board has approved Frank A. Abenante, M.D. to act as Respondent's Board-approved psychiatrist.

11. The Board-approved psychologist or psychiatrist shall provide quarterly reports to the Board detailing Respondent's progress in therapy and his/her recommendations for continued therapy or follow-up care. Respondent must fully and satisfactorily comply with any and all such recommendations.

12. Termination of psychotherapy shall be recommended by the treating psychologist or psychiatrist and the Board shall not unreasonably withhold its approval of the termination of treatment. Any unilateral termination of the psychotherapy will be deemed a violation of probation and good cause for Respondent's license to be actively suspended until further Order of the Board.

13. The Board and the Attorney General will have full and complete access to any reports, recommendations or evaluations issued by the Board-approved psychologist or psychiatrist. Respondent hereby authorizes the Board-approved psychologist or psychiatrist to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General. Respondent acknowledges that any recommendations, evaluations, or reports issued by the Board-approved psychologist or psychiatrist may be introduced as a matter of public record during the course of any future disciplinary proceedings.

14. Under the continuing terms of the March 25, 2011 Consent Order, Respondent's license is in a probationary status until March 25, 2013. If, during this period of probation, the Board or the

Attorney General receives information that Respondent is practicing pain management, prescribing CDS in violation of the terms set forth herein, has unilaterally terminated psychotherapy, or is otherwise failing to fully and satisfactorily comply with the terms of this Consent Order, the Board shall immediately revoke its current stay of the period of active suspension causing Respondent's license to be actively suspended until further Order of the Board.

15. If Respondent fails to comply with the terms of this Consent Order, such conduct shall be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e). In that event, the Attorney General or the Board may commence a disciplinary proceeding seeking, among other things, the suspension of Respondent's license to practice medicine.

16. Respondent shall be solely responsible for whatever costs are associated with his compliance with the terms of this Consent Order.

17. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions upon any reinstatement, by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs, or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

18. 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.

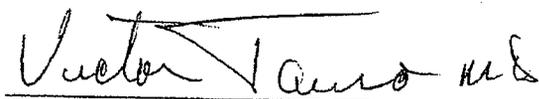
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: GEORGE J. SCOTT, D.O.
George J. Scott, D.P.M., D.O.
President

I have read the within Consent Order and agree to be bound by its terms. I understand the meaning and effect of this Order and understand that it has serious legal consequences. Consent is hereby given to the Board to enter this Order.

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


Victor Tauro, M.D.


Neil Reiseman, Esq.

08/10/2012
Date

8/13/08
Date

**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.

NAME: VICTOR TAURO, M.D.
NJ License # 25MA04639300

ADDENDUM TO THE DIRECTIVES

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number¹: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

**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.