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FILED
February 21, 2012
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 THE SUSPENSION OR REVOCATION OF THE LICENSE OF **CHERYL ACKERMAN, M.D.** **LICENSE NO.: 25MA06096100** TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	Administrative Action **ORDER OF AUTOMATIC SUSPENSION OF LICENSE**

This matter was most recently opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of a letter dated February 14, 2012 from Louis E. Baxter, M.D., FASAM, Executive Medical Director of the Professional Assistance Program of New Jersey ("PAP"), which gave notice that Respondent, Cheryl Ackerman, M.D., is non-compliant with the Private Letter Agreement that she had entered into with the Board on October 24, 2011 and with the recommendations of the PAP. Specifically, Respondent has failed to provide the requested psychiatric reports to the PAP and has refused to undergo an independent psychiatric evaluation. Additionally, the PAP has expressed its concerns about Respondent's overall fitness to practice.

CERTIFIED TRUE COPY

Respondent entered into a Private Letter Agreement with the Board on October 24, 2011 after the Board found that it had serious concerns about her professional practice and mental health. Among the items agreed to between Respondent and the Board was Respondent's continued enrollment in the PAP and full compliance with all the recommendations of the PAP. A copy of the PLA is attached.

Pursuant to Paragraph 4 of the October 24, 2011 PLA, Respondent consented

> that upon reliable information of any failure to comply with any terms of this private letter agreement or failure to follow any recommendation of the PAP or your therapist, the Board may automatically suspend your license to practice medicine in New Jersey and initiate disciplinary action based on the facts that gave rise to this private letter.

In addition, pursuant to Paragraph 5 of the October 24, 2011 Private Letter Agreement, Respondent consented that

> in the event of an allegation of a violation of this agreement the document will become public and may be utilized in any proceeding regarding licensure.

The Board finding Respondent in violation of the October 24, 2011 agreement, in that she has been non-compliant with the Board and the PAP by refusing to provide requested psychiatric reports to the PAP and has refused to undergo an independent psychiatric evaluation, and it further appearing that the Board finding the within Order is adequately protective of the public health, safety, and welfare,

IT IS ON THIS 21st DAY OF February, 2012,

ORDERED:

1. The license of Respondent Cheryl Ackerman, M.D. to practice medicine and surgery in this State is hereby actively suspended. Respondent shall immediately cease and desist any practice of medicine and surgery in this State.

2. Upon receipt of a filed copy of this Order, Respondent shall return her original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

3. Upon receipt of a filed copy of this Order, Respondent shall return her original CDS registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

4. Upon receipt of a filed copy of this Order, Respondent shall immediately advise the DEA of this Order and forward a copy of this Order.

5. Respondent shall comply with the attached directives for physicians who are disciplined or whose surrender of licensure has been accepted by the Board, which are incorporated herein by reference.

6. The 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 resulting from Dr. Ackerman's conduct prior to the entry of this Order.

7. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information received regarding her violation of the agreement was materially false.

8. In the event Respondent wishes to petition the Board for reinstatement of her license to practice medicine in the State of New Jersey, she shall appear personally before the

Board or a Committee of the Board and demonstrate to the satisfaction of the Board that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare. At the appearance Respondent shall provide at a minimum reports from all mental health professionals who have participated in Respondent's care and/or treatment during the period of time during her suspension, and a report from the PAP detailing the nature and extent of her involvement with that entity, if any. She shall also submit documentation, if any, of all continuing medical education she has completed during his inactive status. Respondent shall be prepared to discuss her readiness to re-enter the practice of medicine. At that time she shall be prepared to propose her future plans for practice and affirmatively establish her fitness, competence, and capacity to re-enter the active practice of medicine and surgery in New Jersey. Following its review of all the relevant documents and submissions, the Board, in its sole discretion, will determine whether the Respondent is physically and psychologically fit to practice medicine and surgery in the State of New Jersey.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____
Paul T. Jordan, M.D.
President

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Medical Examiners
P.O. Box 183, Trenton, NJ 08625-0183

PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
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Trenton, NJ 08608
(609) 826-7100
(609) 826-7117 FAX

FILED
OCTOBER 24, 2011
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

Cheryl Ackerman, MD
368 Ridgewood Avenue
Glen Ridge, NJ 07028

NOT A PUBLIC RECORD

RE: **I/M/O Cheryl Ackerman, M.D./Private Letter Agreement**

Dear Dr. Ackerman:

As you are aware, the State Board of Medical Examiners has undertaken an investigation premised upon multiple patient complaints alleging possible substance abuse, impairment, fraud, professional misconduct and incompetence as well as a report from the Professional Assistance Program (PAP) that you have been noncompliant, have not seen a psychotherapist for recommended follow-up, and have failed to cooperate with Board requests for copies of patient records. The Board considered the following prior to a determination to enter a private letter agreement:

1. Consumer Complaints regarding your care and treatment of B[redacted] B[redacted], M[redacted] P[redacted], C[redacted] H[redacted], D[redacted] S[redacted] and S[redacted] L[redacted];

2. Dr. Ackerman's office medical records of [redacted] B[redacted], M[redacted] P[redacted], C[redacted] H[redacted], D[redacted] S[redacted] and S[redacted] L[redacted];

3. Dr. Ackerman's written response to complaints regarding her care and treatment of M[redacted] P[redacted], C[redacted] H[redacted], D[redacted] S[redacted] and S[redacted] L[redacted]

4. Letter from Paul T. Jordan, M.D., President Board of Medical Examiners to Dr. Ackerman dated December 30, 2010.

5. Letter from Executive Director Roeder to Dr. Ackerman dated January 6, 2011

6. Dr. Ackerman's letters to the Board dated January 8, 2011 and April 7, 2011.

7. Letters from the PAP to Executive Director Roeder dated January 26, 201 and April 5, 2011

8. Letter from the PAP to Joseph Gorrell, Esq. Dated July 20, 2011

9. Letter dated July 7, 2011 from Mark P. Faber, M.D.

10. Letter dated July 12, 2011 from Ben J. Susswein, Ph.D.

11. Dr. Ackerman's sworn testimony before the Preliminary Evaluation Committee on July 27, 2011.

The Board has concluded that there have been serious allegations regarding your professional conduct, and while we do feel entry of this private letter is protective at this time, we reserve the right to reopen these consumer complaints and take further action, including disciplinary action, upon receipt of any new complaints of a similar nature or any non-compliance with this private letter agreement . The Board is concerned about your apparent denial of diagnoses by multiple therapists of adjustment disorder, personality disorder and depressive disorder and the concurrent need to engage in counseling. In your written response to the complaints regarding patients S[redacted] L[redacted], D[redacted] S[redacted] and M[redacted] P[redacted] you referred to yourself in both the first and third person. During your appearance before the Board, you were often unable to answer questions directly, especially questions regarding psychotherapy and patient complaints regarding your alleged erratic behavior. Additionally, it is the Board's opinion that anxiety was interfering with your ability to focus during your appearance. This inability to focus on a task could adversely affect the quality of care and may explain some of the patient complaints alleging inappropriate or erratic behavior or conversation.

The Board has determined that its concerns with regard to any possible risk of harm to your patient population would be satisfactorily addressed by your representation to comply with certain requirements, as commemorated by your entry into this private letter agreement. Specifically, you have agreed that:

1. You will continue enrollment in the PAP and you will comply fully with all

recommendations of the PAP. You will obtain the agreement of the PAP via a signature of its representative on this Agreement to notify the Board within 24 hours of its receipt of information of any noncompliant behavior, including but not limited to failure to appear for any scheduled appointment or any discontinuance of the PAP program whether initiated by Respondent or by the PAP. You expressly waive any claim to privilege or confidentiality that you may have concerning reports and disclosures to the Board, and use by the Board of that information in any license proceedings, including reports and disclosures by the PAP, or any other person or entity involved in your treatment plan as outlined by the PAP. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, you.

2. You will engage in regular therapy with a therapist pre-approved by the Board and the PAP and follow all recommendations of your therapist. Regular therapy means that you will meet with your therapist no less than once per week for at least 3 months, and then at frequency to be determined by your therapist after discussion with the PAP.

3. You consent to the Board providing directly to the PAP and your therapist copies of this private letter agreement and all documents listed above.

4. You will comply fully with any Board request for information within 10 days of receipt.

5. You will enroll in and complete a course in medical office management that is pre-approved by the Board within six months of entering into this agreement.

You have also indicated that you are aware that upon reliable information of any failure to comply with any terms of this private agreement or failure to follow any recommendation of the PAP or your therapist, the Board may automatically suspend your license to practice medicine in New Jersey and initiate disciplinary action based on the facts that gave rise to this private letter. You may, upon five days notice, 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 your violation of the agreement or your relapse was materially false. In addition, the Board reserves the right to bring further disciplinary action.

Your signature on this document indicates the provisions are acceptable to you. This document is not a public document and shall be maintained privately by the Board. However, in the event of an allegation of a violation of this agreement the document will become public and may be utilized in any proceeding regarding licensure. If you consent to entry of this private

letter agreement, please sign the enclosed copy of this letter after consultation with counsel identified below and arrange for it to be signed by Louis E. Baxter, Sr., M.D., FASAM, Medical Director, Professional Assistance Program. It will then be filed in the Board office as a private document. In the event that you have any questions regarding the foregoing, please contact counsel, or if at this time, you are not represented, the DAG indicated below.

Sincerely yours,
NEW JERSEY BOARD OF MEDICAL EXAMINERS

By: _____
Paul T. Jordan, M.D.
Board President

I have read and understand the above Agreement and I agree to be bound by its terms. I hereby consent to entry of this Private Letter Agreement.

_____
Cheryl Ackerman, M.D.

Agreed as to the monitoring and reporting requirements of this Agreement on behalf of the Professional Assistance Program.

_____
Louis E. Baxter, Sr., M.D., FASAM
Medical Director
Professional Assistance Program

Agreed as to form and content:

_____
Joseph Gorrell, Esq.
Attorney for Cheryl Ackerman, M.D.

cc: William Roeder, Executive Director, Board of Medical Examiners
Megan K. Cordoma, DAG
Joseph Gorrell, Esq.

PROFESSIONAL ASSISTANCE PROGRAM
OF NEW JERSEY
742 ALEXANDER ROAD
PRINCETON, NEW JERSEY 08540-8568
Tel: 609 919-1660; Fax: 609 919-1611

February 14, 2012

Mr. William Roeder
Executive Director
State Board of Medical Examiners
Post Office Box 183
Trenton, New Jersey 08625

RE: CHERYL ACKERMAN, M.D.

Dear Mr. Roeder:

I am writing to advise you that Dr. Cheryl Ackerman is non-compliant with the Private Letter Agreement that she entered with the State Board of Medical Examiners and with the recommendations of the Professional Assistance Program for her ongoing monitoring. I met with Dr. Ackerman this morning as a result of a call from Mountainside Hospital regarding her status there. I should note that she called several times while in route asking for directions. This was the eighth followup appointment that she has had in our offices. She reported to me that she did not know where she was.

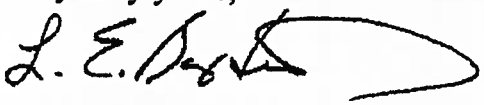
We still have not received reports from Drs. Farber or Latimer. She again assured me that she would have Dr. Farber send in a report.

It was my strong recommendation to her that she undergo an independent psychiatric evaluation. I gave her the name of a psychiatrist. She responded that she did not wish to do this. I also requested that she undergo a comprehensive medical evaluation and have a report sent to me. She said that she would consider this.

PROHIBITION ON REDISCLOSURE Sec. 2.32, Prohibition on Redisclosure. This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient

At this time, based on the lack of any psychiatric reports since the initial psychiatric evaluation was done by Dr. Hammer a year ago, Mountainside Hospital's concern about her actions and my concern about her fitness to remain in practice, I am forwarding this case to the State Board of Medical Examiners for further action.

Very truly yours,



Louis E. Baxter, M.D., FASAM
Executive Medical Director
Immediate Past President
American Society of Addiction Medicine
National Association of Drug Court Professionals-Director

LEB:lap

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