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FILED

April 24, 2013

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: David M. Puteska
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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

MARK M. O'CONNELL, M.D.
LICENSE NO. 25MA06567600

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of information that on June 20, 2012, Mark M. O'Connell, M.D. (hereinafter "Respondent") admitted violations of various Board rules and regulations to members of the Enforcement Bureau of the Division of Consumer Affairs during an inspection of Advanced Urgent Care in Lawrenceville, New Jersey. Dr. O'Connell, who is the only licensed physician practicing at that location, admitted that he had dispensed controlled dangerous substances ("CDS"), specifically Phentermine, Vicodine, and Promethazine to patients of the practice despite not having a New Jersey CDS registration for that location or any DEA CDS registration. He also admitted that he had instructed the staff to telephone

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prescriptions to patients' pharmacies using another doctor's name and DEA registration, though the doctor was not on the premises and is not licensed in the State of New Jersey to practice medicine and surgery.

The inspection of Advanced Urgent Care also revealed that there was expired and unlabeled CDS in the office. While the CDS was stored in a locked cabinet, employees of the practice further admitted that it was only within the last week that the CDS was stored in a locked cabinet and up until then had been in an unlocked cabinet. Respondent admitted to the investigators that, although he is the only licensed physician on the premises, he does not have control over the CDS in the office. He also admitted that he had prescribed CDS to his patients in quantities he knew were larger than those allowed.

Respondent admits the above conduct and agrees that the conduct constitutes the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21 (b); professional or occupational misconduct in violation N.J.S.A. 45:1-21 (e); a violation or failure to comply with the provisions of any act or regulation administered by the board in violation of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:35-7.5 (requirements for dispensing of drugs and special limitations applicable to the dispensing of drugs for a fee); and indiscriminately prescribing a controlled dangerous substance in violation of N.J.S.A. 45:1-21(m).

Respondent has been the subject of a number of Board Orders dating back to 1997 due to allegations of substance abuse and misconduct. The most recent Order, prior to this action, dated February 25, 2011 allowed Respondent to return to the practice of medicine with a restricted license. Among the many restrictions in that order, Dr. O'Connell agreed that he shall practice

medicine and surgery solely in a hospital or institutional setting and/or a setting pre-approved by the Board. While Dr. O'Connell advised the Board in February 2012 that he would be practicing at Advanced Urgent Care in Lawrenceville, New Jersey, he commenced practice without approval, which has never been provided.

As a result of the above information, on June 25, 2012, Respondent entered into an Interim Consent Order of Temporary Suspension from the practice of medicine with the Board.

On January 23, 2013, Respondent appeared before a preliminary examination committee ("PEC") of the Board to discuss the circumstances which lead to the Interim Consent Order, his ongoing sobriety and/or his return to practice. The Board finds that Respondent was truthful and contrite during his appearance before the PEC. Respondent testified that his working at Advanced Urgent Care without prior board approval and the other violations detailed above were done out of desperation and/or fear of termination of employment. Respondent further testified, but the Board cannot verify as Respondent has not been participating with the Professional's Assistance Program ("PAP") since June 2012, that he has remained clean and sober throughout this incident. Following his PEC appearance, Respondent contacted the PAP, has reentered the program and remained compliant as of the date of this Consent Order.

The Board and Respondent have agreed to the entry of this Consent Order to resolve this matter. The Board has considered the matter, and finds that the entry of this Order will adequately protect the public interest, and for good cause shown,

IT IS on this 24 day of April, 2013

HEREBY ORDERED AS FOLLOWS:

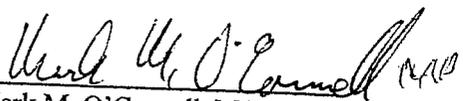
1. Respondent's license to practice medicine and surgery in New Jersey is suspended for a minimum of one (1) year pending further order of the Board. The term of this suspension from practice is retroactive to June 25, 2012. No credit for the active suspension period shall be given for any period of time during which Respondent engages in medical practice in any jurisdiction or state.
2. Respondent's suspension from practice shall continue until further order of the Board following an appearance by Respondent before a committee of the Board after June 25, 2013. Respondent shall not request an appearance before a committee of the Board unless and until he can verify ninety (90) days of sobriety through ongoing treatment with the PAP.
3. Respondent shall comply with the "Directives" attached hereto as Exhibit A which are incorporated herein by reference.
4. The parties hereby stipulate that entry of this Order is without prejudice to further action 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.
5. Respondent has been specifically informed of his right to retain an attorney to represent him in this matter. Respondent acknowledges that he has been advised of his right to counsel, has waived that right and voluntarily enters into this Consent Order.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____

George J. Scott, D.P.M.C.D., D.O. F.A.C.O.F.F.
President

I have read and understood the within
Consent Order and hereby agree to comply
with the terms.


Mark M. O'Connell, M.D.

Dated: April 15, 2013