

FILED

May 9, 2013

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

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| IN THE MATTER OF THE LICENSE OF : | Administrative Action |
| : | : |
| David Silverstein, M.D. : | ORDER GRANTING |
| License No. 25MA05126000 : | : |
| : | REINSTATEMENT OF LICENSE |
| TO PRACTICE MEDICINE AND SURGERY: | WITH RESTRICTIONS |
| IN THE STATE OF NEW JERSEY : | : |

This matter was most recently opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of Respondent David Silverstein's petition for reinstatement of his New Jersey medical license with no clinical privileges. Respondent had voluntarily surrendered his New Jersey license by way of a Consent Order filed with the Board on September 19, 2005 based on his relapse into substance abuse.

On November 7, 2012, Respondent appeared and testified before a Committee of the Board (Committee) regarding his reinstatement petition which was strongly supported by Dr. Louis E. Baxter, M.D., FASAM, Executive Medical Director Professional Assistance Program

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of New Jersey (PAP), who also submitted a Position Statement letter dated November 7, 2012. Dr. Baxter strongly supports Respondent's petition for reinstatement based on Respondent's recovery status for almost seven years. Respondent, who currently resides in Georgia, does not intend to return to New Jersey and is seeking reinstatement of his license for non-clinical practice only. Dr. Paul Earley, Medical Director of Talbott Recovery Campus, by correspondence dated May 31, 2011 and June 6, 2012 states that Respondent was admitted in April 2006 to Talbott, completed the partial hospitalization program and upon discharge, entered the continuing care program with which he has been fully compliant. Dr. Earley indicates that Respondent undergoes random urine screens (all negative); participates in weekly group therapy sessions; attends 12 Step Support Group meetings; maintains an active relationship with a 12 Step sponsor; and participates in individual evaluation sessions. Dr. Earley fully supports reinstatement of Respondent's administration-only medical license. The Human Resource Department of Calloway Labs verifies as of July 31, 2012, Respondent's employment as a Field Service Representative since October 3, 2011.

Respondent testified that he has been sober and in recovery since January 2006; has maintained continuing care with Talbott, Dr. Earley and Dr. Baxter; has participated in random urine drug screens; is active in his group home; works with a sponsor and as a

sponsor; has developed a support network; and is the current chairman of Hotlanta Roundup, a nonprofit recovery organization with which he has been involved since 2006. Respondent believes that the personal and social issues which led him to begin abusing drugs are under control and/or are resolved; he continues to work toward mending relationships with his family; and he considers his recovery very strong and dynamic. Respondent is requesting reinstatement to enable him to pursue non-clinical employment in Georgia where he can utilize his medical and administrative experience. Respondent has no intention of practicing clinical medicine and provided documentation of his continuing medical education.

The Committee reviewed all relevant documentation submitted, including the statements and letters of Dr. Baxter and Dr. Earley in which they fully support the reinstatement of Respondent's license based on Respondent's documented ongoing recovery from his substance abuse problem for almost seven years. Respondent presented himself in a sincere manner and articulated a genuine commitment to maintaining sobriety. The Committee is satisfied that Respondent has fully complied with the Consent Order of September 19, 2005, has demonstrated sufficient rehabilitation and commitment to ongoing recovery such that his license to practice medicine may appropriately be reinstated as requested, limited to non-clinical practice.

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 having determined that this Order is sufficiently protective of the public health, safety and welfare, and all parties agreeing to the terms of this Order and for other good cause shown;

IT IS ON THIS 9th DAY OF May , 2013,

ORDERED THAT:

1. Respondent's license to practice medicine in the State of New Jersey is hereby reinstated subject to the conditions outlined below.

2. Prior to reinstatement, Respondent shall provide the Board with proof of successful completion of all reinstatement requirements, including but not limited to a completed application for reinstatement along with the requisite fees and the required Criminal History Background Check.

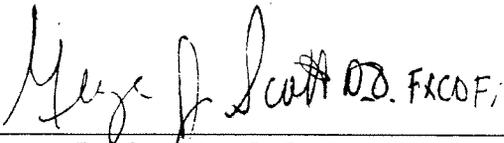
3. Upon reinstatement, Respondent shall be restricted to non-clinical practice and shall limit his practice to administrative and managerial work only, with no involvement in clinical duties.

4. Respondent shall not be employed in any position as a clinical practitioner, shall not have any direct patient contact, shall not engage in the clinical practice of medicine, and shall

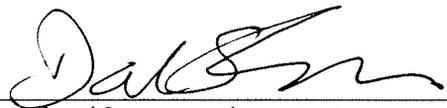
not provide medical advice or supervise the clinical practice of any other physicians, nurses, or other medical professionals.

5. Prior to Board consideration of any future petition for removal of the restrictions on his New Jersey license, Respondent shall affirmatively establish his fitness, competence and capacity to re-enter the clinical practice of medicine in New Jersey.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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

I have read and understand
the within Consent Order and
agree to be bound by its terms.


David Silverstein, M.D.
March 14, 2013

**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.)