

FILED

November 21, 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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION :
OF THE LICENSE OF : ADMINISTRATIVE ACTION
:
:
PHILIP B. MAY, M.D. : FINAL CONSENT ORDER
LICENSE NO. 25MA032865000 :
:
:
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF :
NEW JERSEY :
:

This matter was opened to the State Board of Medical Examiners ("Board") upon the receipt of information alleging that Philip B. May, M.D. (Respondent) committed professional misconduct and that the New Jersey Department of Human Services ("DHS") had initiated an investigation relating to his conduct as a physician at Hunterdon Development Center ("HDC"). Specifically, the allegations concerned internet posting of photographs of HDC residents on a website for the International Foundation for Chronic Disabilities and an alleged unauthorized study and improper treatment of Vitamin

CERTIFIED TRUE COPY

D deficiencies among HDC residents.

On August 23, 2012, Respondent entered into an Interim Consent Order which suspended his license to practice medicine until the resolution of the then pending criminal investigation into his conduct at HDC and until further order of the Board. The suspension was not imposed as a sanction pursuant to any findings by the Board but instead Respondent agreed to the surrender of his license to be deemed a temporary suspension.

Following the termination of the criminal investigation without any charges lodged against Respondent, he appeared before a Preliminary Evaluation Committee of the Board on November 6, 2013. The appearance was adjourned from prior scheduled dates at the request of counsel for Respondent, John Azzarello, Esq. and John Roberts, Esq. of Arseneault, Whipple, Fassett & Azzarello, LLP.

Respondent is Board certified in Internal Medicine and completed a fellowship in endocrinology. He began practicing medicine in New Jersey in 1977 and working at HDC in 1985.

Respondent denies the allegations including that he engaged in any unauthorized study or improper treatment of patients at HDC. Respondent and the Board, both being desirous of resolving this matter without formal proceedings, consent and agree to each and every term of this Final Consent Order. Notwithstanding entry of this Final Consent Order, Respondent reserves his right to deny the

allegations and present his defenses in any other proceeding arising out of the matters referenced herein.

The Board being satisfied that entry of the within Order is adequately protective of the public health, safety and welfare, and being satisfied that good cause exists for entry of the within Order,

IT IS, therefore, on this 21 day of ~~November~~, 2013,

ORDERED that:

1. Respondent voluntarily surrendered his medical license to be deemed a temporary suspension pursuant to an Interim Consent Order from August 23, 2012. The period of suspension shall terminate with the filing of this Final Consent Order.

2. The Board finds that Respondent posted patient photographs without obtaining proper consent, in violation of N.J.S.A. 45:1-21(e); and failed to properly approve a telephonic order to nursing staff, in violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:35-6.5(b).

3. Upon Respondent's resumption of medical practice, should he return to his employment at HDC, another center for the developmentally disabled or other State facility serving developmentally disabled individuals, Respondent shall cause the medical director of such center or his designee to report to the Board at two six month intervals that Respondent's care and

treatment of patients conform to the accepted standard of care. Upon his return to medical practice, should he practice in a non-institutional setting, Respondent shall so inform the Board and cause a Board approved monitor to report to the Board at two six month intervals that Respondent's medical practice is within accepted standards of practice.

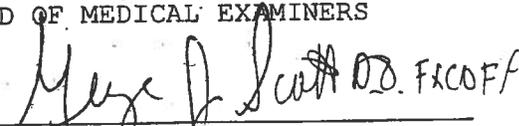
4. Respondent shall complete a Board approved ethics course at his own expense and demonstrate successful completion to the Board within nine months of the filed date of this Consent Order. Respondent shall also complete a Board approved medical recordkeeping course. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed and a passing grade was achieved which was unconditional and without reservation.

5. Respondent shall additionally be responsible to ensure that the course provider(s) of the courses referenced herein submits written confirmation to the Board that Respondent attended and successfully completed said course.

6. Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted" (Directives) to the extent applicable. The Directives are attached hereto as Exhibit A and incorporated by reference.

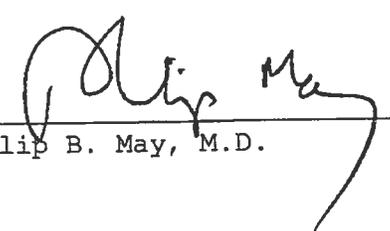
7. Failure to comply with any provision of this Consent Order may result in subsequent disciplinary proceedings pursuant to N.J.S.A.13:45C-1.1 et seq. for failure to comply with an Order of the Board.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

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

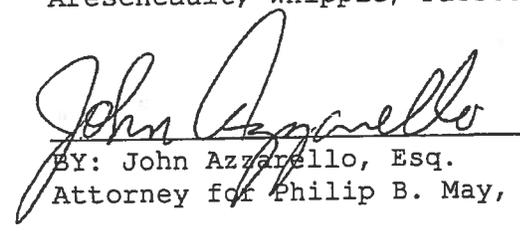
Board President

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


Philip B. May, M.D.

Date: 11/21/13

Consent is hereby given as to the form and entry of this Order.
Areseneault, Whipple, Fassett & Azzarello, LLP


BY: John Azzarello, Esq.
Attorney for Philip B. May, M.D.

Date: 11/21/13

**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.