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NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

IN THE MATTER OF THE LICENSE OF **JAMES W. GOODNIGHT, M.D.** **License No. 25MA06252500** TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	Administrative Action **CONSENT ORDER**

This matter was opened to the State Board of Medical Examiners (the Board) by John Jay Hoffman, Acting Attorney General of the State of New Jersey (Kim D. Ringler, Deputy Attorney General, appearing) based upon receipt of information alleging that JAMES W. GOODNIGHT, M.D. (Respondent) had not complied with the statutes and regulations governing the conduct of licensed physicians in the State of New Jersey. Specifically, Respondent assisted in the unauthorized practice of medicine on the part of an unlicensed individual; failed to safeguard the use of his prescription pad and authority; provided prescriptions to himself and to family members

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without creating required medical records; failed to obtain informed consent prior to treating patient M.K.; maintained medical records that were deficient and incomplete; and prescribed medications including steroids to his patients without providing full examinations or adequate individualized care.

Respondent appeared and testified before the Preliminary Evaluation Committee of the Board on December 5, 2012 and on April 24, 2013. Respondent represents that he has voluntarily terminated the portion of his medical practice involving treatment with bio-identical hormones.

Respondent, neither admitting nor denying the allegations, and the Board, both being desirous of resolving this matter without formal proceedings, consent and agree to each and every term of this Consent Order.

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 on this 13th day of Dec 2013 HEREBY ORDERED AND AGREED THAT:

1. The Board hereby imposes a three year period of suspension, with six months of active suspension and the reminder stayed and served as a term of probation, upon James W. Goodnight,

M.D. for (a) permitting an individual who had completed medical school but did not have a medical license to participate in the care and treatment of patients, in violation of N.J.A.C. 13:35-6.16(b)(1); (b) failing to adequately ensure individualized patient treatment and examination prior to the prescribing of medications including steroids in violation of N.J.A.C. 13:35-7.9; (c) failing to obtain adequate patient consent prior to providing treatment in violation of N.J.A.C. 13:35-4A.6(c)(3) and 13:35-4A.6 (e)(2); and (d) self-prescribing and prescribing to family members without maintaining a required medical records in violation of N.J.A.C. 13:35-2B.11, 13:35-2B.12 and 13:35-6.5.

2. The period of active suspension shall commence 35 days after the filing of this Order. Upon completion of the six month period of active suspension, Respondent's medical license will be reinstated without further action by the Board.

3. 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 specifically addressing informed consent from patients. Respondent shall also complete a Board approved course in basic blood analysis and physical examinations, at his own expense and demonstrate successful completion to the Board within nine

months of the filed date of this Consent Order. 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.

4. 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.

5. Respondent shall obtain the service of a monitor, pre-approved by the Board, at his own expense, to submit monthly reports regarding his prescribing of anabolic steroids, should such prescribing occur incidental to his medical practice, for the six months following his return to practice after the period of active suspension. The monitor shall provide monthly reports to the Board for a period of six months advising that Respondent's prescribing or administration of anabolic steroids was consistent with accepted medical standards.

6. Respondent is assessed a civil penalty in the amount of $30,000 and costs to the State in this matter in the amount of $11,800 for investigative costs and $14,875 for attorney time.

7. The amount of $56,675 consisting of the civil penalty and the costs as per paragraphs five herein shall be paid by certified

check or money order, payable to the State of New Jersey, and sent to William Roeder, Executive Director, Board of Medical Examiners, Executive Director, P.O. Box 183, Trenton, NJ 08625-0183 within one year of the date of filing of this Consent Order.

8. If payment or proof of payment is not received in accordance with paragraphs 6 and 7 herein, a Certificate of Debt shall be filed in the amount of $56,675.

9. Dr. Goodnight 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.

10. 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.O. FACOFP

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

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

James W. Goodnight

James W. Goodnight, M.D.

Dated: 12/4/13

Consented to as to form:
OXFELD COHEN, P.C.

Wm. J. Volonte

BY: William J. Volonte, Esq.
Attorneys for Respondent James W. Goodnight, M.D.

Dated: 12/9/2013

EXHIBIT A

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.

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.