

FILED

April 10, 2014

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, NJ 07101
Attorney for the New Jersey State Board
of Medical Examiners

By: B. Michelle Albertson
Deputy Attorney General
Tel. (973) 648-7297

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

IN THE MATTER OF THE LICENSE OF :
 :
 : Administrative Action
FRANK E. VOGEL, III, M.D. :
License No. MA40700 : CONSENT ORDER
 :
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :
 :

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about May 25, 2013, the New York State Board for Professional Medical Conduct entered a "Consent Order" adopting a "Consent Agreement" (collectively "New York Consent Order") executed by Respondent, Frank E. Vogel, III, M.D. The New York Consent Order provided that Respondent's license to practice medicine shall be

CERTIFIED TRUE COPY

suspended for three (3) years, the first six (6) months served as an actual suspension and the remainder stayed. The Consent Order further provided that after the six (6) months of actual suspension, Respondent shall be placed on probation for five (5) years with certain terms and conditions. Respondent's active suspension was completed on December 4, 2013.

More specifically, pursuant to the New York Consent Order, Respondent admitted to one specification of professional misconduct as set forth in a "Statement of Charges" charging that he entered a guilty plea on May 14, 2012 in Onondaga County Court, New York to Vehicular Assault in the First Degree, a felony.

Additionally, based on Respondent's guilty plea, on or about January 31, 2013, the Pennsylvania State Board of Medicine entered a "Final Order" ("Pennsylvania Final Order") providing for a two (2) year suspension of Respondent's medical license, together with other terms and conditions. By letter dated June 5, 2013, Respondent informs the Board that the Pennsylvania Final Order is under appeal because he did not have an opportunity to present facts and did not receive notice of the possibility of a suspension.

As a result of the foregoing, the Board has determined that Respondent's criminal conviction and the above New York and Pennsylvania disciplinary actions provide a basis to take disciplinary action against Respondent's New Jersey license to

practice medicine and surgery pursuant to N.J.S.A. 45:1-21(f) and (g).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 10th day of April, 2014 ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey shall be, and hereby is, suspended for three (3) years, to be stayed in its entirety and served as a period of probation commencing and consistent with the initiation of the probationary period as set forth in the New York Consent Order, but which probationary period shall not terminate until Respondent appears before a Committee of the Board and demonstrates to the satisfaction of the Board that his probationary period in New York has successfully terminated.

2. Respondent agrees that if the Board, upon receipt of reliable information and in its sole discretion, determines at any time that the Respondent has failed to comply with the New York Consent Order or Pennsylvania Final Order during the probationary period, or is in violation of any of this Board's statutes and/or regulations, then Respondent's New Jersey license to practice

medicine and surgery shall be automatically and immediately suspended. Within ten (10) days of notification of the suspension, Respondent may seek a hearing before a Committee of the Board limited to the sole issue of the basis for the automatic suspension.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:

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

I have read and understand
this Consent Order and agree to be
bound by its terms. I further
hereby consent to the entry of
this Consent Order.

Frank E. Vogel, III, M.D. 2/18/14
FRANK E. VOGEL, III, M.D.

**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.