

FILED

September 25, 2014

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

By: Labinot A. Berlajolli
Deputy Attorney General
(973) 648-3469

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	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
JOHN AMRIEN, M.D.	:	
LICENSE NO. 25MA04675700	:	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 and an investigation by the Enforcement Bureau ("EB") and the Drug Enforcement Administration ("DEA") that John Amrien, M.D., was violating the New Jersey Controlled Dangerous Substance ("CDS") statutes and regulations.

On April 22, 2013, the EB conducted an inspection of Dr. Amrien's office and noted that despite the large inventory of medications maintained and dispensed, Dr. Amrien failed to maintain

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proper medication logs and inventories. In addition, a review of the available records reflected that Dr. Amrien routinely dispensed medications to include CDS medications in excess of the regulated days' supply allowed by N.J.S.A. 45:9-22.11. The ordering, dispensing and record keeping was maintained by the office manager, an unlicensed individual. Further, many of the medications were kept in bins and left unlocked. Following the inspection, Dr. Amrien stated that he would remove all the medications.

A follow-up inspection on May 9, 2013 revealed that Dr. Amrien removed all the medications from the premises to an unregistered off-site storage facility. The EB returned on December 30, 2013, and noted that all medications were returned to the office and that Dr. Amrien was dispensing only a seven (7) day supply. The inspection further revealed that Dr. Amrien maintained a significant amount of expired medications, including CDS.

Dr. Amrien appeared and testified before a Preliminary Evaluation Committee ("PEC") of the Board on April 23, 2014. Dr. Amrien testified that prior to the April 2013 inspection he was not aware of the seven (7) day supply limit and that he dispensed larger quantities because local pharmacies were outside a 10 mile radius of his office. Dr. Amrien further stated that the dispensing was a necessary service in the community as many of the patients are low income and elderly. In addition, Dr. Amrien noted that expired medications were given out to the patients for free after a

verbal consent, as he did not believe that they posed a danger to patients. Dr. Amrien also testified that he made attempts to return the medications through a reverse distributor during 2013. Ultimately all of the medications were returned and/or destroyed by March 2014 and he no longer dispenses medications.

The PEC also discussed Dr. Amrien's care and treatment of patient R.M. The PEC stressed concern regarding the proper maintenance of the medical record for patient R.M. Specifically, Dr. Amrien failed to document physical examinations or other progress notes as required by N.J.S.A. 13:35-6.5.

Based on the above findings, the PEC concluded that Respondent engaged in repeated acts of negligence in maintaining and dispensing medications. The Board reviewed the report made by the PEC and has ratified and adopted all findings made by the PEC. The Board therefore concludes that grounds for disciplinary action against Respondent exist pursuant to N.J.S.A. 45:1-21(d), (e) and (h).

Dr. Amrien and the Board enter into a settlement memorialized in this Consent Order. The Board having determined that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS ON THIS 25 DAY OF September 2014

ORDERED:

1. Respondent, John Amrien, M.D., is hereby formally reprimanded for having engaged in repeated acts of negligence and professional misconduct in violation of the Board's statutes and regulations as fully detailed above.

2. Respondent shall attend and successfully complete a Board approved record keeping course. This course is to be completed within one year of the date of entry of this Order. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved unconditionally and without reservation. Respondent shall additionally be responsible to ensure that the course provider submits written confirmation to the Board that Respondent attended and successfully completed said course.

3. Respondent shall not order nor keep at his registered location any controlled substances for a period of five (5) years from the date of this agreement.

4. Respondent is assessed an administrative penalty in the amount of \$10,000 pursuant to N.J.S.A. 45:1-25. Respondent is also assessed costs in the amount of \$27,305.60 including investigative costs, costs of investigative inquiries (including transcripts) and all attorney fees incurred by the State, as provided by N.J.S.A. 45:1-25(d).

5. Respondent shall pay the total amount of penalties, costs and fees in the amount of \$37,305.60 in twenty-four (24) equal

monthly installments of \$1,554.40. The first payment shall be due on or before September 1, 2014, with each subsequent payment due on the first day of each of the following twenty-three (23) months. Said payment of costs shall be submitted by certified bank check, money order, wire transfer, or credit card made payable to the State of New Jersey and forwarded to the Board of Medical Examiners, c/o William Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625. Any other form of payment will be rejected and returned. A Certificate of Debt reflecting the \$37,305.60 currently due and owing shall be filed with the New Jersey Superior Court.

6. This Consent Order shall be a full and final disposition of this matter. The Board shall retain jurisdiction to enforce the terms of this Order.

7. The entry of this Order shall not limit the authority of the Attorney General, the Director of the Division of Consumer Affairs, the Drug Control Unit, or of any other person to initiate any further action permitted by law, whether administrative, civil or criminal, in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction. Respondent does not waive and reserves any and all rights and defenses that he may have in law or in equity with regard to any action or claims that may be brought against him.

8. Respondent shall comply with the portion of the standard "directives" of the Board pertaining to licensees who have been disciplined, a copy of which is attached hereto and made part of the within Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Stewart A. Berkowitz, M.D.
President

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

John Amrien, M.D.
John Amrien, M.D.

Dated: 9/24/14

Consented to as to form and entry.

Michael J. Keating, Esq.
Michael J. Keating, Esq.
Attorney for Respondent

Dated: 9/24/14

**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.