

FILED

November 18, 2014

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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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
OR REVOCATION OF THE LICENSE OF

Mary Ann Benigno, D.O.
License No. 25MB05997100

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") by John J. Hoffman, Acting Attorney General of New Jersey (Joshua M. Bengal, Deputy Attorney General, appearing), upon receipt of information that Mary Ann Benigno, D.O., was arrested in Bergen County in November 2012 on charges of indiscriminate prescribing of Controlled Dangerous Substances ("CDS"). On May 28, 2014, Dr. Benigno appeared before a Committee of the Board to discuss her arrest and treatment of various patients.

CERTIFIED TRUE COPY

Dr. Benigno's 2012 arrest was predicated on a confidential informant's allegations that Dr. Benigno wrote prescriptions for oxycodone, hydrocodone, amphetamine salts, and methylphenidate to patients, including her relatives, without conducting proper physical examinations. The confidential informant alleged that Dr. Benigno filled some of the prescriptions herself at various pharmacies.

During her Committee appearance, Dr. Benigno explained that, after her arrest, she identified the confidential informant as her drug-addicted cousin. Specifically, Dr. Benigno stated that her cousin stole her prescription blanks, filled them out himself and had them filled at local pharmacies. Video surveillance footage reviewed by Dr. Benigno's attorney and information obtained by the Acting Attorney General corroborated this explanation.

Dr. Benigno did admit to the Committee, however, that she occasionally wrote prescriptions for CDS to various patients without making entries in their medical charts. Although these isolated incidents had nothing to do with her arrest, she recognized this action was wrong and regretted that it occurred.

In December 2013, Dr. Benigno entered into a Pre-Trial Intervention ("PTI") agreement that required her to participate in the Professional Assistance Program ("PAP"). Under her PTI

agreement, if Dr. Benigno complies with the PAP's requirements for 18 months, the criminal case against her will be dismissed. She has not made any admissions, nor has there been a finding of wrongdoing.

Dr. Benigno now waiving any right she may have to a hearing; and it appearing that Dr. Benigno has read the terms of the within Consent Order and understands their meaning and effect and consents to be bound by them; and it appearing that there is good cause for the entry of this Consent Order, which the Board finds adequately protective of the public safety and welfare; and Dr. Benigno and the Board agreeing to entry of this Order;

IT IS ON THIS 18 DAY OF November 2014,

ORDERED THAT:

1. Mary Ann Benigno, D.O., shall, within six months of the entry of this Consent Order, complete a continuing medical education course in recordkeeping.

2. Dr. Benigno shall, within six months of the entry of this Consent Order, complete a continuing medical education course in narcotics prescribing.

3. The course work, which shall be in addition to Dr. Benigno's regular continuing education hours, must be approved by the Board in writing prior to attendance. Dr. Benigno shall provide proof of successful completion of each course within thirty days of completion of each course. Successful completion means that all classes were attended and a passing grade was achieved.

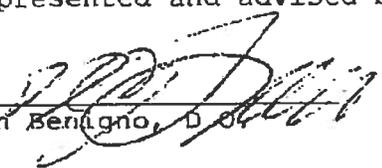
4. Dr. Benigno shall comply with any and all treatment recommendations made by the PAP until her treating physician and the PAP director recommend release from the PAP.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 

Karen Criss, R.N., CNM
Vice President

I hereby agree to be bound by all terms and conditions of this Order. I consent to the entry of this Order by the State Board of Medical Examiners. I am represented and advised by counsel.


Mary Ann Benigno, D.O.

I consent to the form and entry of this Order.

A handwritten signature in black ink, appearing to read "K. Roberts", followed by a horizontal line extending to the right.

Keith J. Roberts, Esq.

Dated: November 10, 2014

**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.