FILED
Nunc pro tunc 1/15/15
HEARING AID DISPENSERS
EXAMINING COMMITTEE
Renee P. Clark
Executive Director

FILED
Nunc pro tunc 1/15/15
AUDIOLOGY AND SPEECH-LANGUAGE
PATHOLOGY ADVISORY COMMITTEE
Renee P. Clark
Executive Director

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Hearing Aid Dispensers Examining Committee
Audiology and Speech-Language Pathology Advisory Board

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
HEARING AID DISPENSERS EXAMINING COMMITTEE
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
ADVISORY BOARD

IN THE MATTER OF **MARVIN A. KLEINMAN,** HAD License No. 25MG00045100 Audiologist License No. 41YA00012400 LICENSED TO PRACTICE AS A HEARING AID DISPENSER AND AUDIOLOGIST IN THE STATE OF NEW JERSEY	ADMINISTRATIVE ACTION **INTERIM CONSENT ORDER OF VOLUNTARY SURRENDER**

This matter was opened to the New Jersey State Board of Medical Examiners, Hearing Aid Dispensers Examining Committee ("Committee") and the New Jersey State Audiology and Speech-Language Pathology Advisory Board ("Board") upon receipt of information that Marvin A. Kleinman ("Respondent") was arrested on September 25, 2014 by the Division of Criminal Justice in Trenton for Forgery, in violation of N.J.S.A. 2C:21-1, Theft By Deception,

in violation of N.J.S.A. 2C:20-4A, and Medicare/Welfare Fraud, in violation of N.J.S.A. 30:40-17.

The Committee and the Board finds that Respondent's alleged conduct, if proven, would provide grounds to take disciplinary action against Respondent's license to practice as a Hearing Aid Dispenser and as an Audiologist in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e), and (f) in that Respondent has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense; in professional misconduct; and in acts constituting a crime involving moral turpitude or relating adversely to the practice of a Hearing Aid Dispenser or Audiologist.

On December 5, 2014 Respondent appeared before the Committee and Board and agreed under oath, with advice of counsel, Michael S. Weinstein, Esq., to voluntarily enter into an interim agreement without making admissions and without prejudice to his defense of the aforementioned criminal charges, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS, therefore on this 15 **day of** January, **2015**

ORDERED THAT:

1. Respondent is hereby granted leave and shall immediately surrender his licenses to practice as a Hearing Aid Dispenser and Audiologist in the State of New Jersey, effective January 15, 2015, pending disposition of the criminal charges and until further

Order, but the Board shall enter a further Order no longer than ninety days after disposition of the pending criminal charges.

2. During the period of surrender, Respondent is not to be on the premises of a facility, in which he maintains an ownership interest or is employed by, which sells, dispenses, or fits hearing aids or provides audiology services while patients are present.

3. During the period of surrender, Respondent must cease and desist from engaging in the functions that constitute the practice of Hearing Aid Dispensing and/or Audiology. Any practice in this State, in violation of the above conditions may be prosecuted as unlicensed practice, pursuant to N.J.S.A. 45:9A-27 and N.J.S.A. 45:3B-15 and may provide further grounds for action of discipline by the Board.

4. Respondent shall inform the Hearing Aid Dispensers Examining Committee of the new supervisory licensee of his practices.

5. Respondent shall immediately surrender his original licenses and the most recent renewal cards/certificates to the Executive Director of the Board and Committee by mailing same to Renee P. Clark, Executive Director, 124 Halsey Street, P. O. Box 45038, Newark, New Jersey 07101 contemporaneously with his signing of this Order.

6. Nothing contained herein shall be deemed an admission of liability on the part of the Respondent.

7. The Committee and the Board reserves the right, upon proper and reasonable notice to Respondent to place restrictions and/or limitations upon Respondent's licenses to practice as a Hearing Aid Dispenser and/or Audiologist in the State of New Jersey in the event that his licenses are reinstated. Prior to any further restrictions or limitations being enacted, Respondent will have an opportunity to object and/or challenge these new actions.

8. Nothing in this Consent Order shall prohibit the continued operation, counseling of patients, and submission of claims by Beltone Hearing Care and Audiology Centers/Professional Hearing Services LLC related to patient services conducted by a non-respondent active licensed New Jersey Hearing Aid Dispenser and/or Audiologist for or on behalf of the business so long as Respondent has no supervisory or directory control or influence in the business regarding quality of care, billing, and treatment.

8. The entry of the within Order is without prejudice to the further investigation and/or prosecution of any violations by Respondent of any statutes or regulations governing the practice of Hearing Aid Dispensers and Audiologists in the State or any violations of law, by the Board, the Attorney General or any other regulatory or law enforcement agency, including but not limited to this or any other pending matters under investigation.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
HEARING AID DISPENSERS EXAMINING COMMITTEE
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
ADVISORY BOARD

By: _____
Jennifer Schall, Ph. D.
President

By: _____
Hilda Pressman, M.A., CCC-SLP, BRS-S
President

I have read the within Order, understand and agree to its terms and agree to be bound by them. I consent to the entry of this Order.

_____ 1-23-2015
Marvin A. Kleinman Date
Respondent

Consented to as to form and entry

_____ 1/23/15
Michael S. Weinstein Date
Attorney for Respondent