

FILED

April 22, 2015

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

By: Roman Guzik
Special Deputy Attorney General
Tel. (973) 877-1405
Attorney ID: 067302014

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

JENNIFER JORDAN KESIL¹, PA-C
License No. 25MP00081800

TO PRACTICE AS A PHYSICIAN
ASSISTANT IN THE STATE OF
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that Jennifer Jordan, PA-C ("Respondent") was discharged on May 13, 2011 from her employment at Meridian Health Systems of Riverview Medical Center for fraudulently issuing prescriptions for Controlled Dangerous Substances ("CDS") Schedule II for a non-patient beyond the scope of her Physician Assistant ("PA") license. Information

¹ Respondent has legally changed her name from Jennifer Jordan to Jennifer Jordan Kesil.

CERTIFIED TRUE COPY

was also obtained, by way of an investigation by the Enforcement Bureau of the Division of Consumer Affairs, which revealed that Respondent, without the authorization of her supervising physician, wrote many additional prescriptions for Oxycodone, Percocet, and other CDS for individuals who were not patients of the hospital in which she was employed.

On October 21, 2011, Respondent entered into an Interim Consent Order that temporarily suspended her license to practice as a physician assistant pending final disposition of this matter and until further order of the Board.

On July 25, 2012, Respondent appeared before a Preliminary Evaluation Committee ("PEC") of the Board, requesting reinstatement of her license. During that appearance, Respondent admitted writing one hundred and ten (110) CDS prescriptions between 2007 and 2011 to her boyfriend, now-husband, without authority to do so. These prescriptions were typically for Oxycodone/Percocet #40 to 60, with many written prior to the depletion of the previously issued prescriptions in terms of day's supply of the medication. Respondent testified that she wrote the prescriptions because her boyfriend had been working in heavy construction and suffered from back pain. According to Respondent, during the relevant time period, her boyfriend did not have medical insurance. In addition to the 110 illegitimate prescriptions, Respondent also wrote another thirteen (13) prescriptions for four different friends

without the authority to do so. Following Respondent's PEC appearance, the Board ratified the PEC's recommendation that Respondent's request for reinstatement be denied.

Since August 2011, Respondent has been employed as an office manager by Anthony DeGennaro, M.D., FACS, at the Atlantic ENT, located at 370 State Highway 35, Suite 100, Red Bank, NJ 07701.

On November 3, 2014, Respondent was named in Monmouth County Accusation No. 14-11-01921A, charging her with one count of third degree Obtaining CDS by Fraud in violation of 2C:35-13. The Accusation alleged that Respondent knowingly issued written CDS prescriptions without first obtaining the authorization of a supervising physician between on or about August 2009 and on or about April 2011 in Brick, NJ. Respondent pled not guilty to this Accusation on November 3, 2014 before the Honorable John R. Tassini. On January 5, 2015, Respondent was admitted into Pre-Trial Intervention for a period of 12 months.

On March 4, 2015, Respondent again appeared before a PEC of the Board, requesting reinstatement of her license. During the appearance, Respondent testified that in addition to her duties as an office manager at Atlantic ENT, she also works as an operating room ("OR") technician in the same office. In regards to her conduct during her temporary suspension, Respondent testified that during her suspension she was never employed as a PA, she never identified herself as a PA, and she never tried to mislead anyone

into believing she is a PA. As part of her license reinstatement process, Respondent has taken an ethics course, entitled "Professional Boundaries & Ethics: Maintenance & Accountability Seminars," and as part of the course has put together an ethics protection plan in order to prevent future incidents. Regarding her past conduct, Respondent admitted that she made mistakes in the past that greatly impacted her life, and that she will never repeat those mistakes.

Respondent 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 the entry of the within Order,

IT IS ON THIS 22 DAY OF April 2015,

ORDERED AND AGREED THAT:

1. The license of Respondent, Jennifer Jordan, PA-C, to practice as a Physician Assistant in the State of New Jersey is hereby actively suspended for a period of three (3) years, retroactive to October 21, 2011. The period of active suspension will be tolled for any length of time that Respondent practiced in another jurisdiction.

2. Respondent is barred from practicing as a Physician Assistant until she is recertified as a Physician Assistant by the

National Commission on Certification of Physician Assistants ("NCCPA").

3. Respondent shall be evaluated by the Professional Assistance Program-NJ ("PAP-NJ") within 30 days of the filed date of this Order. Respondent shall fully and satisfactorily complete the entirety of any recommendations that PAP-NJ may make with regard to practice restrictions, monitoring and/or educational programs. Respondent expressly waives any claim to privilege or confidentiality that she may have concerning any reports or disclosures by PAP-NJ to the Board.

4. Respondent shall complete a Board approved ethics course at her own expense and demonstrate successful completion to the Board within 30 days of the filed date of this 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. As Respondent has represented that she successfully completed the Professional Boundaries Inc. course, "Professional Boundaries & Ethics: Maintenance & Accountability Seminars," 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.

5. Respondent's supervising physician, Anthony DeGennaro, M.D. shall provide a written statement to the Board that he will

monitor Respondent, and will provide quarterly reports to the Board, for a period of one year.

6. Respondent shall reimburse the Board for its investigative costs in the amount of \$11,903.33 pursuant to N.J.S.A. 45:1-25(d).

7. Payments of said costs are to be made in installments of \$250 per month for the first three installments, and \$500 per month for the following twenty-one installments, with fulfilment of the total payment amount no later than twenty-four (24) months from the entry of this Order. First payment shall delivered no later than sixty (60) days after Respondent's receipt of a filed copy of this Order, with each subsequent payment due on the first day of each of the following twenty-three months. All monthly payments shall be made in the form of a wire transfer, bank check, money order, or certified check, made payable to the **State of New Jersey** and sent to **William Roeder, Executive Director, Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Trenton, NJ 08625-0183**. Any payment in a form other than those noted above will be rejected and returned to the sender. Subsequent violations will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

8. With the consent of the Director of the Division of Consumer Affairs, and pursuant to his authority under N.J.S.A. 24:21-9 et. seq., Respondent's New Jersey CDS registration, No. A00004400, is hereby revoked, retroactive to October 21, 2011,

pending further order of the Director. Respondent may reapply for her CDS registration. The Director will consider the factors enumerated in N.J.S.A. 24:21-11 and determine, in his sole discretion, if, and under which circumstances, Respondent would be granted a New Jersey CDS Registration. If Respondent chooses to reapply for her CDS registration, Respondent must first appear before the Committee of the Board, prior to appearing before the Director.

9. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions, by this Board, the Acting Attorney General, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

10. Respondent shall inform each employer of the terms of this Order immediately upon beginning employment and provide the employer with a copy of the Order. Respondent shall cause her employer to acknowledge in writing that the employer has received and reviewed a copy of this Order. Respondent shall provide a copy of each such acknowledgment to the Board within ten (10) days of signature. Respondent shall also inform the Board of any changes in employment and/or duties of employment within ten (10) days of such change(s).

11. Respondent shall comply with the applicable portions of the standard "Directives" of the Board pertaining to licensees who

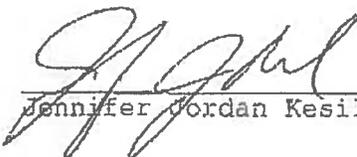
have been disciplined, a copy of which is attached hereto and made a part of the within Order.

12. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically suspended by the Board. Respondent, upon notice, may request a hearing to contest the entry of such an Order. At any such hearing the sole issue shall be whether any of the information received regarding Respondent was materially false. In addition, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

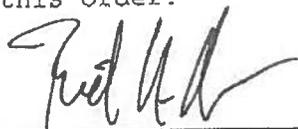
By: 
Stewart A. Berkowitz, M.D.
President

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


Jennifer Jordan Kesil, PA-C

Dated: 4/3/15

Consent is hereby given
as to the form and entry
of this Order:



Richard A. Amdur, Esq.
Amdur, Maggs, & Shor
Attorney for Respondent

Dated:

**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.