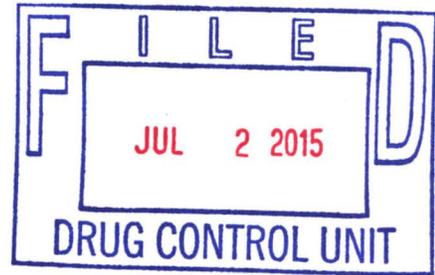


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
DRUG CONTROL UNIT

IN THE MATTER OF THE TEMPORARY
SUSPENSION OF THE NJ CDS
REGISTRATION OF

Jordan S. Fersel, M.D.
License No. 25MA04966200
Registration No. DO4689500

Administrative Action

**INTERIM CONSENT ORDER
OF CDS REINSTATEMENT
WITH RESTRICTIONS**

This matter was opened to Steve C. Lee, Acting Director of the New Jersey Division of Consumer Affairs ("Director") on or about March 4, 2014, upon receipt of information that Jordan S. Fersel, M.D. ("Respondent"), New Jersey State Board of Medical Examiners ("Board") License No. 25MA04966200, NJ CDS Registration No. DO4689500 engaged in the prescribing of Controlled Dangerous Substances ("CDS") in the usual course of professional practice, without legitimate medical purpose in violation of N.J.A.C. 13:45H-7.4. If proven, this conduct would form the basis, under N.J.S.A. 24:21-12(a) (3), for the Director to suspend or revoke Respondent's NJ CDS registration.

On or about March 16, 2015, the Enforcement Bureau of the Division of Consumer Affairs ("EB") and the Drug Enforcement Agency ("DEA") conducted an inspection of Respondent's medical office, located at 226 Centennial Avenue, Cranford, NJ 07016. On or about that date, a representative of

the EB served Respondent with a Demand for Inspection of Professional Premises as well as a Subpoena Duces Tecum. The information adduced prior to the inspection includes, but is not limited to, a review of Prescription Monitoring Program (PMP) information. Preliminary information gathered indicated that Respondent may have been prescribing CDS, notably highly addictive narcotics, without legitimate medical purpose to his patients.

Respondent was advised that he could consult legal counsel before consenting to a temporary suspension order. He did not admit wrongdoing, but consented to the temporary suspension of his NJ CDS Registration pending further order of the Director. Respondent signed an Interim Consent Order temporarily suspending his CDS registration on March 16, 2015. Simultaneously, Respondent signed a Consent Order surrendering his DEA registration with the DEA.

In lieu of a hearing before the Director, the parties agree to an interim resolution requiring Respondent to retain a prescription monitor at his own expense to review CDS prescriptions and to report findings to the Director, with specific terms of this agreement detailed below.

Finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS, on this 2nd day of July, 2015,

ORDERED THAT:

1. Respondent's NJ CDS Registration is hereby reinstated on an interim basis, subject to the conditions set forth below.
2. Any CDS prescribing by Respondent following the date of this Order is contingent upon Respondent obtaining a reinstatement of his DEA Registration from the DEA.
3. Respondent shall only be permitted to prescribe CDS with the approval of a prescription monitor as described herein.

4. Pending the full and complete outcome of the Director's and/or Board's investigation(s), and any actions that may follow including a temporary suspension action before the Director and/or the Board, Respondent agrees to immediately retain Dr. Robert S. Silverman, M.D. as a prescription monitor ("monitor"). The monitor will review all treatment involving CDS prescribing. Specifically, for the first thirty (30) days after the interim reinstatement of Respondent's NJ CDS and reissuance of DEA registrations, Respondent shall:

- (a) Limit his practice to current, pre-existing patients;
- (b) Provide the monitor with all patient charts and records for review prior to any patient visit; and
- (c) Receive approval from the monitor before writing any CDS prescription(s) for any patient.

5. At the conclusion of the initial 30 day monitoring period, the monitor shall submit a comprehensive report to the Director detailing Respondent's prescribing practices, Respondent's adherence to standards of care regarding CDS prescribing, any deviations or areas of concern and whether he approves of Respondent's prescribing practices.

6. After the initial 30 day monitoring period and the monitor's submission of a report indicating the monitor's approval of Respondent's prescribing practices, Respondent may then accept new patients. Thereafter, all treatment and CDS prescription records of all patients shall be provided to the monitor on a daily basis for retrospective approval of all CDS prescribing. Respondent shall follow all of the monitor's recommendations. Failure to obtain retrospective approval for any patient shall be deemed a violation of this interim consent order and will result in the initiation of an action before the Director and/or the Board. Failure to comply with the monitor's recommendations may result in further action by the Director and/or the Board.

7. During this period of daily review, the monitor shall provide weekly reports to the Director as to Respondent's prescribing practices, specifically addressing the appropriateness of the

prescribing, dosages, quantities and justification of prescribing the CDS medications. Such monitoring will continue until the full and final resolution of the Director's and/or Board's investigation(s).

8. Respondent expressly acknowledges that any unsatisfactory remarks or findings in the monitor's initial 30 day report resulting in the monitor's disapproval of Respondent's prescribing practices will deem the contingency provision of daily retrospective review of CDS prescriptions detailed above in paragraphs 6 and 7 void and shall subject Respondent to all of the conditions set forth above with regard to the 30 day monitoring period as detailed above in paragraphs 4, 5, 6, and 7. This 30 day review period shall recur until a report indicating the monitor's full approval of Respondent's prescribing practices is submitted to the Director.

9. The monitor shall provide all reports and documentation required by this Order to the Director through Matthew Wetzel, Acting Executive Director of the Drug Control Unit, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101 with a copy to Pavithra Angara, Deputy Attorney General, P.O. Box 45029, 124 Halsey Street, Newark, New Jersey 07101. Only after the full resolution of any Board matter, may Respondent request full reinstatement of CDS prescribing privileges.

10. Respondent expressly waives any claim to privilege or confidentiality that he may have concerning reports and disclosures to the Director, and consents to use of such information by the Director and/or the Board in any license proceedings.

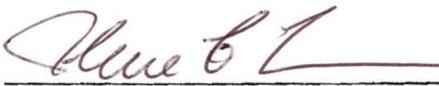
11. All costs incurred by Respondent associated with the monitoring outlined above shall be borne and paid by Respondent, including the entirety of the cost of the monitor.

12. Respondent consents to the entry of an Order of automatic suspension of his New Jersey CDS registration without notice, upon the receipt of any information which the Director, in his sole discretion, deems reliable in demonstrating that Respondent has failed to comply with any of the conditions set forth in this Order. Respondent shall have the right to apply for removal of the automatic

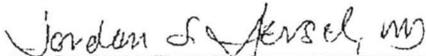
suspension on five (5) days' notice but in such event, any review shall be limited to a showing that the information submitted was false, or, if such automatic suspension was due to a determination of improper CDS prescribing, whether the prescribing at issue lacked medical justification.

13. This Order is effective upon its filing with the New Jersey Division of Consumer Affairs.

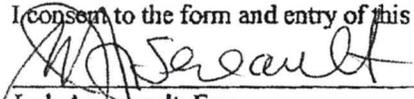
NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: 
Steve C. Lee,
Acting Director

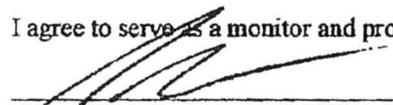
I have read and understand the within Order and agree to be bound by its terms.


Jordan Fersel, M.D.

I consent to the form and entry of this Order.


Jack Arseneault, Esq.
Arseneault & Fassett, LLP
Attorney for Respondent

I agree to serve as a monitor and provide reports regarding Dr. Fersel as required by this Order.


Robert S. Silverman, M.D.
The Bergen Anesthesia Group
Prescription Monitor Physician