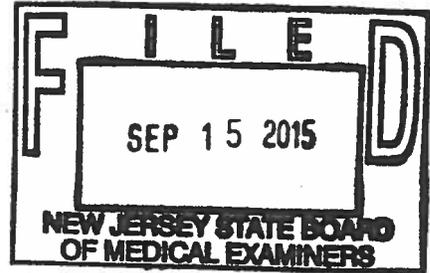


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

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IN THE MATTER OF THE LICENSE OF

**RICHARD M. SOSTOWSKI, M.D.**  
License No. 25MA03058200

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

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Administrative Action

**AMENDED<sup>1</sup> CONSENT ORDER**

This matter was opened before the New Jersey State Board of Medical Examiners upon the receipt of information by the Acting Attorney General ("Attorney General") that Richard M. Sostowski, M.D. ("Respondent"), a psychiatrist who has a solo clinical practice and serves as an expert witness in the field of psychiatry, admitted to a physician at a pain management facility and to an Enforcement Bureau investigator that in 2011 he wrote

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<sup>1</sup> This Amended Consent Order is amending the Consent Order filed on November 20, 2014. The amendments are to Ordered Paragraph #8, a, and b, as well as Paragraph #9. The remainder of this Order is verbatim to the Consent Order filed on November 20, 2014.

**CERTIFIED TRUE COPY**

prescriptions for opiates including oxycodone for two patients, asked the patients to fill the prescriptions and return the medications to him, and then reimbursed the patients for the cost of the prescriptions. As a result, those patients lost their ability to continue participating in the pain management program.

Respondent appeared at a PEC on March 26, 2014. On the advice of his then-counsel, he asserted his Fifth Amendment privilege against self-incrimination. Respondent did admit treating and prescribing for family members without keeping patient records. He also acknowledged a lack of sufficient Continuing Medical Education (CME) credits. A separate Uniform Penalty Letter will issue regarding the CME deficiency.

The Board having found that Respondent's conduct provides a basis for the entry of disciplinary sanction pursuant to the provisions of N.J.S.A. 45:1-21(b) (engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense), and N.J.S.A. 45:1-21(e) (engaging in professional or occupational misconduct), and being satisfied that the within disposition is adequately protective of the public health, safety and welfare, and that good cause exists to support the entry of this Order,

IT IS on this 15 day of, September 2015

ORDERED:

1. The license of Respondent RICHARD M. SOSTOWSKI, M.D., to practice medicine and surgery in the State of New Jersey is hereby suspended for a period of 3 years, effective January 1, 2015. The first six months of the suspension shall be served as a period of active suspension. The remainder of the period of suspension shall be stayed and served as a period of probation, conditioned upon Respondent's compliance with the remaining terms of this Order. The period of active suspension shall be tolled for any length of time that Respondent practices in another jurisdiction.

2. Respondent is hereby assessed penalties in the amount of \$20,000. The payment shall be made by bank check, money order, certified check, wire transfer or credit card. Any other form of payment will be rejected and will be returned. Payments shall be made payable to the "State Board of Medical Examiners". The payment shall be sent to William Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Trenton, NJ 08608 no later than fifteen (15) days after Respondent's receipt of a filed copy of this Order. The Board may file a certificate of debt against Respondent if the above referenced payment is not made.

3. Respondent shall attend and successfully complete Board-approved courses in (a) medical ethics and (b)

recordkeeping. Successful completion means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an "unconditional" passing grade. Respondent shall ensure that documentation attesting to his successful completion of both the ethics course and recordkeeping course is provided to the Board by the course providers.

4. Respondent shall permanently desist from providing medical treatment, care or prescriptions to any member of his family.

5. Respondent shall continue his participation in the Physicians Assistance Program ("PAP") and comply with all of its recommendations and requirements. By agreeing to this Consent Order, Respondent waives any right to confidentiality regarding his communications, evaluation or assessments as part of his PAP participation. The Board and the Attorney General will have full and complete access to any communications between you, the PAP, and the reports, recommendations or evaluations issued by either the PAP or any examining health care professional. In addition, the Board, its agents and employees, may communicate directly with the PAP and any examining health care provider from time to time with regard to your compliance with the PAP.

6. Respondent is solely responsible for any costs associated with his participation in the PAP and its recommended course of action.

7. Failure to comply with the terms of this Consent Order and/or the PAP's recommendations will constitute a failure to cooperate with a Board Order in violation of N.J.A.C. 13:45C1.1, et seq. Such violation shall be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e).

8. Respondent shall be permanently barred for the life of his medical license from prescribing drugs identified as Schedule II Controlled Dangerous Substances ("CDS"), with the following exceptions permitting prescribing of non-opioid Schedule II CDS:

a. Prescribing of Vyvanse to patient M.S. whose full name and identifying information shall be provided confidentially to the Board upon execution of this Consent Order; and

b. Prescribing of Adderall to patients M.W. and D.S. whose full names and identifying information shall be provided confidentially to the Board upon execution of this Consent Order.

9. Respondent shall be permitted to prescribe Suboxone only for the treatment and management of addiction and not for the management of pain.

10. Respondent shall comply with all terms of the Board's "Directives Applicable to any Medical Board Licensee who is Disciplined or whose Surrender of Licensure has been Accepted," copy attached.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: \_\_\_\_\_  
Karen Criss, R.N., C.N.M.  
Vice-President

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

Richard M. Sostowski  
Richard M. Sostowski, M.D.

Dated: 09/15/2015

Consented to as to form:  
Brach Eichler L.L.C.

Joseph M. Gorfell  
Joseph M. Gorfell, Esq.  
Attorney for Respondent

Dated:

**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.