



On July 19, 2013, Respondent appeared before the Medical Review Practitioner Panel (“Panel”) to review the facts and circumstances surrounding Respondent’s role in S.S.’s overdose of opioids, resulting in her untimely death. Based on Respondent’s testimony, the panel found that Respondent provided grossly negligent care to S.S. in that he prescribed her an excessive amount of opioids in the four months prior to her death, failed to consider the combination effects of the drugs prescribed to S.S. and failed to consider or investigate whether S.S. was abusing the prescribed drugs. Additionally, the Panel found that Respondent failed to make referrals to a psychiatrist, knowing that S.S. had made several suicide attempts and was continuously diagnosed with depression and anxiety. The Panel also found that Respondent repeatedly violated the Board’s regulations on record-keeping by failing to adequately document and monitor prescriptions written for S.S. and by failing to document the results of examinations performed on S.S.

On November 19, 2014, Respondent appeared before a Preliminary Evaluation Committee of the Board of Medical Examiners (“PEC”) to discuss his overall prescribing of CDS and practice of medicine. Based on Respondent’s testimony and a review of his medical records, the committee found that Respondent did not appropriately prescribe CDS to his patients in that he failed to wean his patients off opioids, failed to take regular urine screens and failed to refer those patients that developed an addiction to opioids to a pain management specialist. The committee also found that Respondent failed to adequately document and monitor prescriptions written to his patients.

Based on Respondent’s testimony at his Panel and PEC appearances and review of his medical records, the Board finds that Respondent engaged in gross negligence, gross malpractice

or gross incompetence which damaged or endangered the life, health, welfare and safety of his patients pursuant to N.J.S.A. 45:1-21 (c), engaged in repeated acts of negligence, malpractice or incompetence pursuant to N.J.S.A. 45:1-21 (d), engaged in professional or occupational misconduct as determined by the Board pursuant to N.J.S.A. 45:1-21 (e), has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause pursuant to N.J.S.A. 45:1-21 (m) and violated board regulations on record-keeping and prescribing of CDS pursuant to N.J.A.C. 13:35-6.5 and N.J.A.C. 13:35-7.6 respectively, resulting in a failure to comply with the provisions of any act or regulation administered by the Board pursuant to N.J.S.A. 45:1-21 (h).

The parties being desirous of resolving this matter, and in furtherance of that purpose and Respondent neither admitting nor denying the allegations set forth in the within Order, and the Board being satisfied that entry of the within Order obviates the need for formal proceedings, and being further satisfied that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS, therefore, on this 16 day of September, 2015,

ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby suspended for a period of three (3) years, with the first 364 days to be served as a period of active suspension, with the remaining day and the second year to be served as a period of probation with a ban of all CDS prescribing and the third year to be served as a period of probation subject to the oversight of a Board-approved prescription monitor for all CDS prescriptions.

2. After the first 364 days of suspension and prior to the reactivation of his New Jersey medical license, Respondent shall appear before a Committee of the Board to demonstrate his fitness to resume practice, and at a minimum, compliance of all terms contained herein or subsequently ordered as a condition of reactivation.

3. The period of active suspension shall commence thirty (30) days from the filed date of this Order. During this wind-down period, Respondent shall not accept any new patients and shall make every effort to ensure the orderly transfer of his current patients to other treatment providers. Respondent may issue prescriptions or renewals for medication to existing patients only as needed to provide treatment continuity between himself and the patient's new treatment provider.

4. Respondent shall immediately return his original New Jersey license and current biennial registration to William Roeder, Executive Director of the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183. Respondent shall also immediately return his NJ CDS registration to Matt Wetzel, Acting Executive Director of the Drug Control Unit, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101.

5. Respondent shall immediately advise the DEA of this Order, specifically the surrender of his physician license and NJ CDS Registration, and take all steps necessary to surrender his DEA CDS Registration.

6. Respondent is hereby assessed a civil penalty of \$20,000 pursuant to N.J.S.A. 45:1-25. Payment shall be made by bank check, money order or wire transfer, payable to the **State of New Jersey** and forwarded to the attention of **William Roeder, Executive Director, New Jersey Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.**

Please note that any form of payment other than those indicated above will be rejected and returned to sender.

7. Respondent shall successfully complete Board approved education courses in addiction medicine, patient management and opiate prescribing. These courses shall be completed within six (6) months of the entry of this Consent Order and shall be approved by the Board in writing prior to attendance. Please note that these courses are in addition to the regularly required continuing education hours, and may not be counted towards satisfying any CME obligations. "Successful completion" means that Respondent attended all sessions of the aforementioned courses, fully participated in the courses, and received a final evaluation of an unconditional pass for each course. Respondent shall provide proof of successful completion of the required coursework. Respondent shall be entirely responsible for any and all costs or expenses relating to each course.

8. Respondent shall comply with the "Directives Applicable to any Medical Board Licensee who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted," attached hereto and made a part hereof. Given that the active suspension term is less than one (1) year, Respondent shall not be deemed to be a disqualified licensee as contemplated by the directives.

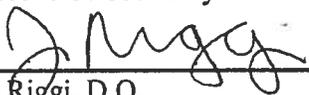
9. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions upon reinstatement by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from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

10. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

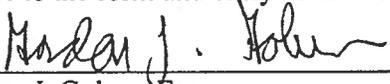
By:   
Stewart Berkowitz, M.D.  
President

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

  
Joseph Riggi, D.O.

9/15/2015  
Date

I agree to the form and entry of the within Order.

  
Gordon J. Golum, Esq.  
Counsel for the Respondent  
Wilentz, Goldman & Spitzer, P.A.

9/16/2015  
Date

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
OR CESSATION OF PRACTICE HAS BEEN ORDERED OR AGREED UPON**

**APPROVED BY THE BOARD ON AUGUST 12, 2015**

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. 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 licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms 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. Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. 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, surrender or cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order

is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order 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 subject to the order 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), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to 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 subject to the order 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.<sup>1</sup> 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 order.

---

<sup>1</sup>This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

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 or who is ordered to cease practice 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 disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following 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 Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

#### **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) immediately 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. If the licensee has a website, a notice shall be posted on the website as well.

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.

## **6. Payment of Civil and Criminal Penalties and Costs.**

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

**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.