



*State of New Jersey*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
PO Box 45029  
Newark, NJ 07101

CHRIS CHRISTIE  
*Governor*

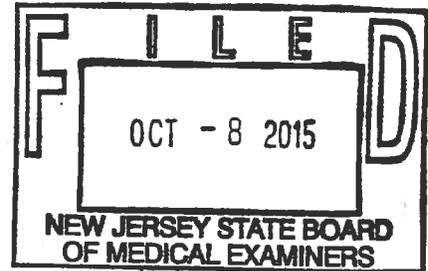
KIM GUADAGNO  
*Lt. Governor*

JOHN J. HOFFMAN  
*Acting Attorney General*

MICHELLE L. MILLER  
*Acting Director*

October 8, 2015

UPS OVERNIGHT MAIL  
Michael Kuyinu, M.D.  
34 Vanderveer Drive  
Belle Mead, New Jersey 08502



Re: Order of Automatic Suspension

Dear Dr. Kuyinu,

As you will recall, you are a party to a Consent Order filed with the State Board of Medical Examiners on July 10, 2014. Pursuant to that Order, you were permitted to return to practice under the supervision of the Professional Assistance Program. The Order also provides for the immediate automatic suspension of your license to practice medicine in the event that you tested positive for alcohol and/or were non-compliant with the PAP-NJ.

On October 6, 2015 the PAP-NJ reported that two of your urine samples tested positive and were confirmed as positive and that you admitted consuming alcohol on one occasion while out of the country. A review of the urine screen schedule maintained by the PAP-NJ shows that you failed to appear for two scheduled urine screens. The Board President has now authorized entry of an Order effectuating the immediate and automatic suspension of your license. A copy of that Order is enclosed.

**CERTIFIED TRUE COPY**



October 8, 2015

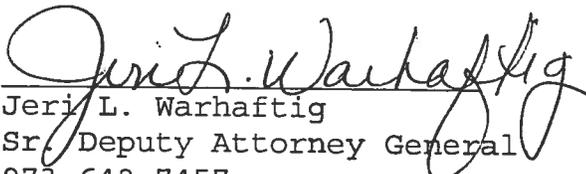
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Effective immediately, you should not engage in the practice of medicine or issue any prescriptions for any reason whatsoever. The PAP-NJ is aware of the Board's action and can help you with the impact of this most recent order. You can also call me, at the number on the front page of the Order and on this letter, should you have any procedural questions.

Very truly yours,

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By:

  
Jeri L. Warhaftig  
Sr. Deputy Attorney General  
973-648-7457

cc: Louis E. Baxter, M.D., PAP-NJ (overnight mail w/encl.)  
William Roeder, Executive Director  
Board of Medical Examiners (inter-office mail)

**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.

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<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.

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for New Jersey Board of Medical Examiners

**FILED**

July 10, 2014

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Megan Cordoma  
Deputy Attorney General  
Tel. No. (973) 648-4730

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

IN THE MATTER OF THE LICENSE OF : Administrative Action  
: :  
Michael Kuyinu, M.D. : :  
License No.: 25MA05765300 : ORDER GRANTING LICENSURE  
: :  
TO PRACTICE MEDICIEN AND SURGERY : :  
IN THE STATE OF NEW JERSEY : :  
:

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") upon receipt of a request from Michael Kuyinu, M.D. seeking reinstatement of his medical license. By Consent Order filed July 10, 2013, Dr. Kuyinu voluntarily surrendered his license based upon findings that Dr. Kuyinu had relapsed into substance abuse. Dr. Kuyinu was referred to an in-patient treatment facility

by the Professional Assistance Program (PAP) following the relapse. Pursuant to the Consent Order, Dr. Kuyinu was required to meet certain requirements and show evidence of sobriety prior to application for reinstatement of his license.

Dr. Kuyinu appeared and testified before a committee of the Board on March 26, 2014, in support of his application for reinstatement. Dr. Kuyinu stated that he decided to join the PAP after being charged with a DUI in July 2011. In July 2012, Dr. Kuyinu complied with request that he immediately cease practicing and enter residential treatment after being reported as non-compliant with the PAP. By Consent Order entered on July 10, 2013, Dr. Kuyinu's license to practice medicine in New Jersey was voluntarily surrendered based upon findings that Dr. Kuyinu had relapsed into substance abuse. Dr. Kuyinu's urine screens have been negative for all psychoactive substances since November of 2013.

Presently, Dr. Kuyinu meets with various people and groups who support him in his recovery. He meets with Dr. Baxter, once a month; his A.A. sponsor every week; attends A.A. meetings twice a week; and a psychiatrist once a month. Dr. Kuyinu testified that his A.A. meetings are a

great help to him and he plans to continue going to A.A. meetings in the future. The PAP appeared with Dr. Kuyinu and supported the reinstatement of Dr. Kuyinu's license with continued monitoring and therapy.

The parties desiring to resolve this matter and the Board determining that Dr. Kuyinu has complied with the terms of the 2013 Order and determining that the within Order is sufficiently protective of the public health, safety and welfare; and in lieu of further proceedings, and for other good cause shown;

IT IS ON THIS 10th DAY OF July, 2014

**ORDERED THAT:**

1. The petition of Michael Kuyinu, M.D. for reinstatement of his license to practice medicine and surgery in the State of New Jersey is granted with restrictions as stated below.

2. Respondent shall continue his enrollment in, and comply fully with, the monitoring program established for him by the Professional Assistance Program of New Jersey ("PAP") until further Order of the Board. Such monitoring program shall include but not be limited to:

- a. Absolute abstinence from all psychoactive substances including alcohol unless prescribed by a treating health care professional aware of his substance abuse history for a documented medical condition and with notification from the treating health care professional to the Executive Medical Director of the PAP of the diagnosis and treatment regime within five days of issuing the prescription. Respondent shall advise all of his treating health care practitioners, who prescribe medications, of his addiction history and shall be responsible to ensure that the treating health care professional notifies the PAP of any prescription for a psychoactive substance within five days of issuance of the prescription. Respondent shall also personally notify the PAP of any prescription for psychoactive substance within five days of issuance of the prescription.
- b. Respondent shall regularly attend support group meetings of Narcotics Anonymous and/or Alcoholics Anonymous. Respondent shall provide evidence of attendance at such groups directly to the PAP on a form or in a manner as required by the PAP.
- c. Respondent shall undergo random witnessed urine monitoring under the supervision of the PAP on a random, unannounced basis, at a frequency of no less than twice per week for the first year following Respondent's return to practice and once per week for the second year. Subsequent reductions in the frequency of urine screens shall be at the direction of the Executive Medical Director of the PAP consistent with Respondent's duration in recovery with prior notification to the State Board of Medical Examiners. All test results shall be provided in the first instance directly to the PAP and any positive result shall be reported immediately by the PAP to the Executive Director of the Board.

- d. The Board reserves the right to require a modification of the manner of the random witnessed urine testing by the PAP in the event technical developments or individual requirements indicate that a different methodology or approach is required to guarantee the accuracy and reliability of the testing.
- e. Respondent's failure to submit to or provide a urine sample within twenty-four hours of a request shall be deemed to be the equivalent of a confirmed positive urine test and shall be deemed a violation of this order unless Respondent is unable to appear for a scheduled urine test due to illness or other impossibility. Respondent must advise the Board in writing within two (2) days, and cause the PAP to so advise the Board in writing within (2) days, of a claimed illness or impossibility. If Respondent fails to appear for a scheduled urine test due to illness, Respondent shall provide to the Board, written substantiation of the illness in the form of a physician's report, within two (2) days. "Impossibility" means an obstacle beyond the control of Respondent that is insurmountable or that makes his appearance for the urine test so infeasible that a reasonable person would waive Respondent's requirement to give the urine sample that day.
- f. All random witnessed alcohol and drug screens shall be negative for the presence of alcohol or drugs, unless the drugs detected by screening were taken for a documented illness pursuant to a valid prescription from a health care practitioner aware of Respondent's substance abuse history. All positive results shall be confirmed by the Gas Chromatography Mass Spectrometry (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

- g. Any urine test result showing creatinine levels below 20 mg/dl and a specific gravity below 1.003 shall create a rebuttable presumption of a confirmed positive urine test, and shall be followed by a confirming test. The method of the confirming test shall be determined by the PAP.
- h. Respondent shall become familiar with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Respondent specifically agrees that ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.
- i. Respondent shall attend monthly face-to-face meetings with a clinical representative of the PAP for the first year of his return to practice, and then at a frequency to be determined by the Executive Medical Director of the PAP consistent with Respondent's duration in recovery.
- j. Respondent shall continue to participate in counseling with Dr. Vijaya Peddu until such time as Dr. Peddu, in consultation with the Executive Medical Director of the PAP agrees that therapy is no longer required. Dr. Kuyinu may not discontinue therapy without the knowledge of the Executive Medical Director of the PAP and the approval of the State Board of Medical Examiners. In the event that a change in therapist/psychiatrist is warranted, the Executive Medical Director of the PAP must be in agreement with any new therapist and notification must be sent to the State Board of Medical Examiners.
- k. The PAP shall submit routine status reports to the Executive Director of the State Board of Medical Examiners or the Impairment Review Committee of the Board on a quarterly basis.

1. Respondent shall obtain the agreement of the PAP via a signature of its representative on this Order to notify the Board within 24 hours of its receipt of information of any noncompliant behavior, slip or relapse of impairment, including but not limited to any positive urine screen or failure to appear for urine monitoring or any scheduled appointment or any discontinuance of the PAP rehabilitation program whether initiated by Respondent or by the PAP.
  - m. Respondent expressly waives any claim to privilege or confidentiality that he may have concerning reports and disclosures to the Board, and use by the Board of that information in any license proceedings, including reports and disclosures by the urine monitoring program, or the PAP, or any other person or entity involved in his rehabilitation program.
  - n. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, Respondent.

3. Dr. Kuyinu shall not engage in bariatric surgery.

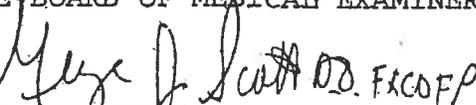
4. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has failed to comply with any of the conditions set forth above, any other provision of this Order, any report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of the use of alcohol or any psychoactive substance which is not prescribed by a treating health care professional aware of Respondent's

substance abuse history, for a documented medical condition, and with notification to the PAP as described above.

5. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive in the case of urine testing, or that other information submitted was false.

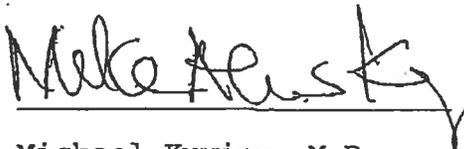
STATE BOARD OF MEDICAL EXAMINERS

BY:

 George J. Scott, D.P.M., D.O.

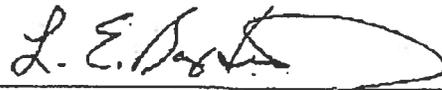
George J. Scott, D.P.M., D.O.  
Board President

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



Michael Kuyinu, M.D.

I have read the above Order and agree on behalf of PAP to comply with its terms regarding monitoring and reporting by PAP.



Louis E. Baxter, MD, FASAM

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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.

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