

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

IN THE MATTER OF THE LICENSE OF :
OR REVOCATION OF THE LICENSE OF : ORDER OF TEMPORARY
: SUSPENSION OF
DANIEL ZIMMERMAN, M.D. : LICENSE
: LICENSE NO. 25MA04234200 :
: TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") on October 13, 2015 by way of an Order to Show Cause, Verified Complaint and Notice of Hearing filed with the Board by John Hoffman, Acting Attorney General of New Jersey, by Senior Deputy Attorney General Jeri L. Warhaftig. The Order accompanied by the Verified Complaint and Exhibits (see Exhibit List attached) was returnable on October 14, 2015. The Verified Complaint alleges a relapse in alcohol abuse, which impairs the physician's ability to safely practice. Respondent was represented by Joseph Gorrell, Esq. who accepted service on behalf of Respondent, did not oppose the application and did not appear at the proceeding before the Board or present anything for Board consideration.

Pursuant to N.J.S.A. 45:1-22 the Attorney General by way of the application sought the temporary suspension of the license of

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Daniel Zimmerman, M.D. ("Respondent") to practice medicine in the State of New Jersey, as well as other relief deemed necessary by the Board, pending a plenary hearing on the matter. The DAG represented, and Respondent's counsel confirmed, that Respondent did not oppose this application.

The State is alleging, and given Respondent's lack of opposition, we find, that Respondent's two documented positive urine screens in 2015 indicate that he is presently engaged in alcohol use in a manner likely to impair his ability to practice the profession with reasonable skill and safety in violation of N.J.S.A. 45:1-21(1). We also find that the conduct, especially in light of the long impairment history of this licensee, poses a palpable clear and imminent danger to the public and constitutes grounds for the relief sought herein - the immediate temporary suspension of Respondent's medical license pursuant to N.J.S.A. 45:1-22.

The Verified Complaint alleged, and it is uncontested, that Respondent has a history with the Board concerning impairment since 1999. At that time he entered into a public Consent Order with the Board whereby he surrendered his license to practice medicine and surgery after being indicted for a third degree crime on charges arising from an investigation by the Drug Enforcement Administration into large amounts of controlled dangerous substances purportedly delivered to his home over a two year period

ending in 1997. A condition of the 1999 Consent Order was that Respondent participates in the Physician's Health Program "PHP."¹

In January 2004 Respondent's license was restored to a restricted status pursuant to a second public Consent Order reflecting he had been accepted into a pre-trial intervention program and that he was required to continue participation with the PHP. Subsequently, in August of 2005, having demonstrated sobriety since May 2001, Respondent was granted an unrestricted license. However, in March of 2011 Respondent relapsed into the abuse of alcohol. At that time the Board, given Respondent's long period of sobriety, afforded him the opportunity to enroll in the Alternate Resolution Program "ARP," a confidential ongoing monitoring program under the auspices of the Board, as regulated by N.J.A.C. 13:35-11 et seq., under the direction of the Board's Impairment Review Committee ("IRC"). He was immediately required to cease practice and complete in-patient treatment. When he returned to practice in December 2011, Respondent was required among other things to maintain absolute abstinence from all psychoactive substances.

The Board continued to receive regular reports via the IRC regarding Respondent's status in the ARP program. However, on March 2, 2015 the PAP reported to the Board that a urine specimen collected from Respondent in January 2015 tested positive for the

¹ "PHP" is the predecessor program to the current Professional Assistance Program of New Jersey "PAP."

presence of alcohol. Respondent then admitted that he had consumed alcohol. Additionally, on October 6, 2015 a second urine drug screen collected from Respondent in July 2015 was also confirmed positive for the presence of alcohol.

We find that Respondent has once been afforded the benefit of confidential status by the Board while being permitted to practice as he participated in the Board monitoring program. He has now violated his agreement to remain substance free. His relapse occurred after a long history of impairment which resulted in suspension of practice, followed by restricted practice required by a public order. Despite a long period of sobriety, at this juncture, his two recent screenings positive for alcohol consumption demonstrate that he cannot be trusted to safely practice. Monitoring has not proved to be a sufficient safeguard. A palpable demonstration of imminent danger to the public health, safety and welfare has been made. Therefore, at this time we find no remedial measure short of a temporary suspension of license will sufficiently protect the public.

Given that there was no opposition to the application by Respondent, a full hearing was not held on the record in this matter at the October 14, 2015 return date. However, the Deputy put the matter on the record and asked the Board to grant the relief sought based on the papers submitted by the State.

Accordingly on this 30th day of October, 2015;

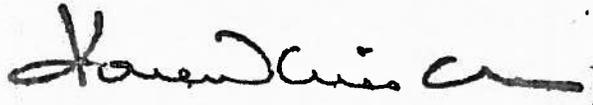
ORDERED, as announced orally on the record on October 14, 2015 with a concurrent confirming email and voicemail message sent to Respondent's counsel and effective October 14, 2015:

1. Respondent's license to practice medicine and surgery has been temporarily suspended effective October 14, 2015.

2. The temporary suspension shall remain effective until the conclusion of the plenary proceeding on the Verified Complaint and further order of this Board or upon acceptance of a settlement acceptable to both parties and the Board.

3. Respondent shall abide by the "Directives Applicable to any Medical Board Licensee Who Is Suspended, Revoked or Whose Surrender of Licensure Has Been Accepted" which are attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By:

Karen Criss, R.N., C.N.M.
Board Vice President