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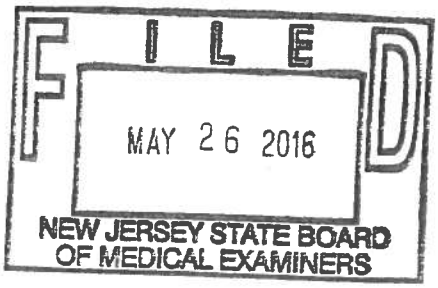

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **Christopher Theune, D.O.** **LICENSE NO. 25MB05976800** TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	Administrative Action **CONSENT ORDER OF REINSTATEMENT OF LICENSURE WITH LIMITATIONS**

This matter was most recently opened to the New Jersey Board of Medical Examiners (the "Board') upon receipt of a request from Christopher Theune, D.O. seeking reinstatement of his medical license. By Consent Order filed June 30, 2012, Dr. Theune agreed to the voluntary surrender of his medical license to be deemed an indefinite suspension. He had been arrested on November 30, 2011, for inhaling dust-off, a brand of dust cleaner. The Order also required him to participate and comply with the Professional Assistance Program ("PAP").

Dr. Theune appeared before a Preliminary Evaluation Committee on February 24, 2016, in support of his application for reinstatement. He was accompanied by Dr. Louis Baxter, Executive Director of the PAP. At his appearance, Respondent testified about his history of substance abuse. Dr. Theune further testified that he has always reported any relapse to the PAP and sought

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treatment. Dr. Theune also testified that he has maintained sobriety since December 21, 2013, after completing a rehabilitation program and participating with the PAP. He is compliant with all aspects of the PAP's treatment plan and has resolved all criminal matters relating to his substance use. He testified that while he has experienced relapses before, he has now fully engaged with the Alcoholic Anonymous program and attends daily meetings. He also has a strong network of support, including friends and his sponsor.

Dr. Baxter also testified before the Preliminary Evaluation Committee in support of Dr. Theune's reinstatement application.

Dr. Theune consenting and agreeing to every term of this Consent Order and waiving any right to a hearing in this matter, and as he appears to understand the consequences of his conduct and having taken clear steps toward ongoing rehabilitation, the Board finding the within disposition is adequately protective of the public health, safety and welfare,

IT IS, therefore on this 26 **day of** May, **2016**

ORDERED THAT:

1. The license of Dr. Theune to practice medicine and surgery in the State of New Jersey shall be reinstated upon satisfaction of all administrative issues related to the reinstatement of his license, including applicable fees and a criminal background check.

2. Dr. Theune shall practice medicine only in a group practice or institutional setting where other plenary licensed physicians practice contemporaneously with him. Dr. Theune shall also be prohibited from working in a suboxone clinic. If he seeks to remove this restriction, he shall petition the Board and at the discretion of the Board, may be required to appear and testify regarding his request.

3. Dr. Theune shall not prescribe Controlled Dangerous Substances unless and until he petitions the Board to terminate this restriction and CDS privileges are reinstated by the Board and the Director. Dr. Theune will be required to appear and testify regarding any such request. Should Respondent wish, at any future date, to prescribe CDS in New Jersey, in addition to obtaining the permission of the Board, he must independently file an application for a CDS Registration with the Director of the Division of Consumer Affairs. Such registration shall not be issued until Respondent proves, to the Director's satisfaction, that such issuance is in the public interest as set forth in N.J.S.A. 24 : 21 - 11.

4. Respondent shall remain enrolled in and participate with the PAP and shall comply with recommendations for treatment, including but not limited to:

A. Complete abstinence from all psychoactive substances including alcohol and inhalants, unless prescribed by a treating physician for a documented medical condition. Dr. Theune's treating physician shall provide the Executive Medical Director of the PAP with a report that will include diagnosis, prognosis and medications prescribed.

B. Regular attendance at Alcoholic Anonymous, at a minimum of three times per week;

C. Respondent shall undergo random witnessed urine monitoring under the supervision of the PAP on an unannounced basis, at a frequency determined by PAP until PAP releases Respondent from the program. The urine monitoring shall include but not be limited to, screening for psychoactive substances and alcohol. 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. Continue under the care of his psychiatrist who will arrange quarterly reports be provided to the PAP. Dr. Theune will authorize his psychiatrist to notify the Executive Director of the PAP immediately in the event of non-compliance or if evidence surfaces that would indicate he has experienced a relapse

F. Participate in routine follow-up at a frequency to be determined by the Executive Director of the PAP.

G. 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.

H. 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.

I. 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.

5. The PAP shall submit quarterly reports, including urine results, to the Board regarding Respondent's participation and compliance with all requirements of the PAP and this order. If Respondent has a positive urine, misses an appointment without consent, has a lapse or slip in his recovery, terminates treatment with his psychiatrist or his participation with the PAP, the

PAP shall immediately inform the Board. For purposes of this paragraph, "immediately" shall mean reporting the information orally within 24 hours and following up with a written report within 48 hours.

6. Dr. Theune shall be entirely responsible for any and all costs or expenses associated with the PAP as required by the terms of this Order.

7. Respondent shall provide any and all releases to any and all parties who are participating in a monitoring, treatment, or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Respondent agrees that any information received by the Board regarding respondent's treatment or participation in a monitoring program may be used in connection with any proceedings pertaining to his license.

8. Respondent shall be subject to an Order of Automatic Suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Respondent has failed to comply with any of the conditions set forth in this Consent Order, including but not limited to a report of a confirmed positive urine, or a prima facie showing of use of alcohol or drugs.

9. Respondent shall have a right to apply for removal of the automatic suspension on ten (10) days' notice to the Board and Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effectively immediately and subject to ratification of the

full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive urine shall be presumed valid.

10. Respondent may seek modification of the terms of this Order not sooner than six (6) months from the date of its entry. The Board reserves the right to require Respondent's appearance prior to any modification or removal of conditions set forth in this Consent Order.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____
Stewart Berkowitz, M.D.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I am aware that this Order has serious legal consequences and I have decided to enter into the Order without Counsel.

_____
Christopher Theune, D.O.

5/26/2016
Date

I have read the terms of this order and agree on behalf of the Professional Assistance Program to comply with Terms pertaining to the PAP.

_____
Louis E. Baxter, Sr., M.D.
Executive Medical Director
Professional Assistance Program

5/24/16
Date