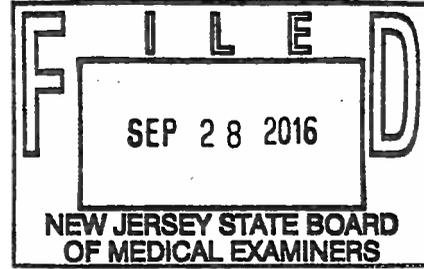


CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
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By: Pavithra Angara
Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE SUSPENSION OR
REVOCAION OF THE LICENSE OF

Steven W. Forman, D.P.M.
License No. 25MD00158600
NJ CDS Registration No. DO4294200

Administrative Action

CONSENT ORDER

TO PRACTICE PODIATRIC MEDICINE AND
SURGERY IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that Steven W. Forman, D.P.M., ("Respondent") was engaged in the indiscriminate prescribing of Controlled Dangerous Substances ("CDS") in violation of N.J.S.A. 24:21-12 et. seq. Respondent is a podiatrist and maintains a podiatric practice located at 20 Berlin Road, Clementon, NJ, 08021.

On or about February 25, 2015, the Enforcement Bureau of the Division of Consumer Affairs ("EB") conducted an inspection and an investigation of Respondent's medical office. On or about that date, a representative of the EB served Respondent with a Demand for Inspection of Professional Premises as well as a Subpoena Duces Tecum for ten patient records. The inspection revealed that Respondent used improperly sanitized equipment for patient care and

CERTIFIED TRUE COPY

did not clean or replace podiatry equipment between patients. During the inspection, Respondent admitted to prescribing CDS medications that were outside the scope of his podiatric practice. At the conclusion of the inspection, Respondent signed an Interim Consent Order for the temporary surrender of his CDS registration.

A review of the patient records revealed that Respondent prescribed high dosages of CDS medications, specifically oxycodone, to his patients on a frequent basis and also prescribed medications that were outside the scope of his podiatric practice. Respondent's medical records also lacked progress notes, findings on physical examinations, treatment records and the appropriate documentation to justify the prescribing of CDS.

Based on the information reviewed in this matter, the Board finds that Respondent has engaged in repeated acts of negligence, malpractice or incompetence pursuant to N.J.S.A. 45:1-21(d), has engaged in professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e), has prescribed or dispensed CDS indiscriminately or without good cause pursuant to N.J.S.A. 45:1-21(m) and has failed to comply with the provisions of any act or regulation administered by the Board pursuant to N.J.S.A. 45:1-21(h) by failing to prepare contemporaneous, permanent treatment records pursuant to N.J.A.C. 13:35-6.5(b), issuing prescriptions to patients without appropriately performing and/or documenting a history and physical examination, diagnosis and treatment plan pursuant to N.J.A.C. 13:35-7.1A(a), prescribing CDS without ensuring that a patient's medical history has been taken and physical examination accomplished, including an assessment of physical function, underlying conditions, history of substance abuse, frequency and severity of pain and documentation in the medical record detailing the medical indication for CDS pursuant to N.J.A.C. 13:35-7.6(a) and prescribing amphetamines without maintaining medical records which accurately reflect the utilization of the drug, the specific diagnosis and

underlying information that form the basis of the diagnosis, including testing and consultations that support the diagnosis and the treatment objectives for prescribing the drug pursuant to N.J.A.C. 13:35-7.8(c).

The Respondent and the Board being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board finding the within disposition to be adequately protective of the public health, safety and welfare and for other good cause shown, and all parties agreeing to the terms of this Order;

IT IS, therefore, on this 28th day of SEPTEMBER, 2016,

ORDERED THAT:

1. Respondent's, Steven W. Forman D.P.M., license to practice podiatric medicine is hereby suspended for a period of five (5) years. The initial two (2) years of said suspension shall be served as a period of active suspension, with the remaining three (3) years stayed and served as a period of probation conditioned upon Respondent's compliance with the provisions enumerated in this Order. Respondent's active suspension shall begin within ten (10) days of the filing of this Order. Any time spent in active practice in another jurisdiction during the active period of this suspension shall toll the effective term of the suspension. Respondent shall immediately return his original New Jersey license and current biennial registration to: **William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08608.**

2. Respondent is hereby assessed a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$30,000 and investigative costs and fees pursuant to N.J.S.A. 45:1-25(d) in the amount of \$10,000.00, resulting in a total payment amount of \$40,000 in penalties and costs.

3. For any costs or penalty payments not paid in full within 10 days of the entry of

this Order, a Certificate of Debt reflecting the \$40,000 currently due and owing shall be filed pursuant to N.J.S.A. 45:1-24 to protect the judgment. In addition but not in lieu of the filing of the Certificate of Debt, Respondent may request, and the Board will allow the penalty to be paid over the course of 48 consecutive months in monthly installments of \$100.00 for the first 24 months, with the remainder to be paid in equal monthly installments of \$1,566.66 for the remaining 24 months. The first payment of \$100.00 shall be due on or before October 3, 2016, with each subsequent payment due on the first business day of each of the following 23 months. The 25th payment shall be in the amount of \$1,566.66, with each subsequent payment due on the first business day of the following 23 months. Failure to make any payment timely shall result in the entire balance being due and owing. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 45:42-11. All payments shall be made by certified bank check, certified check, money order, wire transfer or credit card payable to the State of New Jersey and sent to **William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08608**. Any other form of payment will be rejected and will be returned to the party making payment. In the event that a monthly payment is not received within five days of its due date, the entire balance of the civil penalty and costs shall become due and owing. Subsequent violations of Board statutes, regulations, or orders, including this Consent Order, will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Respondent shall permanently surrender his CDS registration and immediately return his original New Jersey CDS registration to **Jessica Kelley, 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 the permanent surrender of his NJ CDS Registration and take all steps necessary to surrender his DEA CDS Registration.

6. Respondent shall submit to a podiatry skills evaluation, at his sole expense, by an appropriate evaluator approved in advance by the Board to be completed within sixty (60) days prior to his reinstatement appearance before the Board. Respondent shall comply with any and all recommendations resulting from said evaluation. The Board-approved evaluator shall provide copies of any reports generated as a result of the evaluation to the Board and the Deputy Attorney General.

7. Respondent shall successfully complete Board approved education courses in pharmacology and record keeping. 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 submit to a physical examination, at his sole expense, by a medical health professional and shall forward the results of the assessment to the Board and the Deputy Attorney General.

9. After the first two (2) years of his active suspension and prior to the reactivation of his New Jersey podiatric 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.

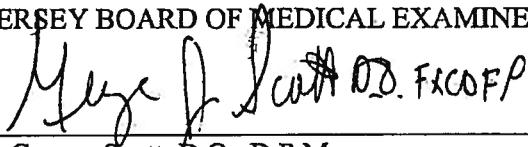
10. Respondent shall comply with the "Directives Applicable to any Medical Board Licensee who is Disciplined or Whose Surrender of Licensure or Cessation of Practice Has Been Ordered or Agreed Upon," which are attached hereto and are incorporated by reference.

11. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or restrictions 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.

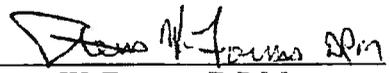
12. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY BOARD OF MEDICAL EXAMINERS

By: _____

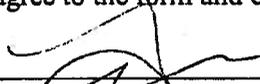

George Scott, D.O., D.P.M.
President

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


Steven W. Forman, D.P.M.

Dated: 9/19/2016

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


Teri S. Lodge, Esq.
Counsel for the Respondent

Dated: 9/27/16

**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.¹ The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements

¹ 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.

incurred on a patient's behalf prior to the effective date of the Board order.

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.