

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
OAL DOCKET NO. BDS 2945-09

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

JOHN L. HOCHBERG, M.D.
LICENSE NO.: 25MA04163600

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

ORDER
DENYING MOTION
FOR RECONSIDERATION
AND
GRANTING PETITION
FOR A PAYMENT SCHEDULE

This matter was most recently opened to the New Jersey Board of Medical Examiners upon the filing of a Motion for Reconsideration of the Final Order and Supplemental Order entered by this Board.

An Administrative Complaint was filed by the New Jersey Attorney General on March 24, 2009 against Respondent John L Hochberg, M.D. Respondent filed his Answer with the Board on April 24, 2009 denying the majority of the substantive allegations. Thereafter, the Attorney General filed an amended Complaint on December 15, 2009. Respondent filed his Answer on December 30, 2009, again denying the majority of the substantive allegations.

Hearings took place on nine days commencing September 21, 2015 and continuing through November 17, 2016. The record closed on February 4, 2016, after submission of closing statements and legal arguments. The ALJ issued his initial decision on May 2, 2016.

The Respondent filed exceptions on May 25, 2016. The Attorney General filed exceptions on May 27, 2016. The Respondent filed a reply to the Attorney General's exceptions on June 3, 2016. A hearing on the exceptions and a mitigation hearing were held before the Board of Medical Examiners on July 13, 2016.

The Board of Medical Examiners orally announced its decision on the record on July 13, 2016 and entered a Final Decision and Order on July 25, 2016 detailing its rationale for its determination and imposing a five year suspension of license, with a minimum of two years served as an active suspension beginning August 12, 2016 and the remainder to be served as a period of probation, a civil penalty in the amount of \$60,000, costs to be determined and successful completion of a skills assessment.

On August 8, 2016 Respondent filed an application for a stay of the Board's Order pending appeal. The Board orally announced on the record on August 10, 2016 and entered an Order on August 12, 2016 denying Respondent's motion for a Stay pending appeal citing the gravity of the allegations and the importance of protecting the public.

The Board also orally announced on the record on August 10, 2016 and entered a Supplemental Order on August 25, 2016 imposing costs in the amount of \$346, 177.00.

On August 24, 2016, Respondent made application to the Board for a payment schedule. The Attorney General did not submit a response

to this application. The Board considered and granted Respondent's request at the October 26, 2016 meeting.

On or about September 8, 2016, Respondent filed a motion for reconsideration and vacation of the Board's Final Order and Supplemental Order. The Attorney General objected to the motion by letter brief filed on the same date. The matter, adjourned from the September 14, 2016 Board meeting due to lack of a quorum, was considered by the Board at the October 26, 2016 meeting. After review of all available information, the Board found that no good cause has been shown to warrant reopening this matter. No new facts, evidence or legal arguments have been presented which convince the Board to alter its decision in any manner. For all the reasons set forth in the Board's Final Order, Supplemental Order and Order Denying a Stay Pending Appeal;

IT IS THEREFORE ON THIS 2nd DAY OF NOVEMBER, 2016

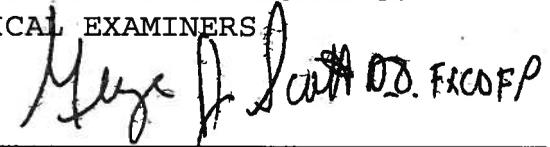
AS ORALLY ORDERED ON THE RECORD ON October 26th, 2016:

1. Respondent's motion for reconsideration is denied.
2. Respondent shall pay costs of \$346,177.00 and civil penalties in the amount of \$60,000.00, in the total amount of \$406,177.00, in equal monthly installments beginning December 1, 2016 through December 1, 2020. Each payment shall be due on the first business day of each month. Respondent may prepay at any time.

Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11. All payments shall be made by certified bank check, certified check or money order payable to the State of New Jersey and sent to the attention of Bill Roeder, Executive Director, Board of Medical Examiners, 140 East Front Street, 2nd Floor, Trenton, New Jersey, 08608. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that a monthly payment is not received within five days of its due date, the entire balance of civil penalty and costs shall become due and owing.

3. A certificate of debt will be filed pursuant to N.J.S.A. 45:1-24 to protect the judgment.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:  George J. Scott, D.P.M., D.O.
President