

NJ STATE BOARD OF MEDICAL EXAMINERS

OPEN DISCIPLINARY MINUTES

- OCTOBER 10, 2001

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, October 10, 2001 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor, Conference Center, Trenton, New Jersey for OPEN DISCIPLINARY MINUTES, open to the public. The meeting was called to order by David M. Wallace, M.D., Chairperson for Open Disciplinary Matters.

PRESENT

Present were Board Members Chen, Criss, Farrell, Haddad, Harrer, Lucas, Moussa, Patel, Perry, Ricketti, Robins, Rokosz, Trayner, Wallace, Walsh and Weiss.

EXCUSED

Board Members Desmond, Huston, Paul and Reid.

ALSO PRESENT

Deputy Attorneys General Dick, Flanzman, Joyce, Kenny and Levine; Executive Director Roeder and Medical Director Gluck, New Jersey State Board of Medical Examiners.

RATIFICATION OF MINUTES

The Minutes from the August 8, 2001 and September 19, 2001 Board meetings were approved as submitted.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

REITER, Raymond, M.D., License #54583 (Without Appearance)

GORRELL, Joseph M., Esq., for Respondent

BERNSTEIN, Eleanor G., D.A.G., for Complainant (Counseling Deputy: DICK)

Dr. Robins recused himself from discussion and vote in this matter.

Motion for Leave to Amend Verified Complaint and for Summary Decision filed by the Attorney General on September 13, 2001 urging the Board to issue an Order permitting amendment of the Verified Complaint filed December 17, 1999, for the purposes of including Respondent's indictment by the Bergen County Grand Jury and subsequent guilty plea as to five counts of sexual misconduct, and for the purpose of dropping Counts II and III of the Verified Complaint, and that the Board grant summary decision and impose discipline. Enclosed for Board consideration were the Motion, proposed Amended Verified Complaint, D.A.G. Bernstein's letter brief and Certification, and Exhibits in Support of the Attorney General's Motion for Leave to Amend the Complaint and for Summary Decision. Also enclosed were the Interim Consent Order filed December 28, 1999, the Amended Complaint filed December 23, 1999, and the Verified Complaint filed December 17, 1999 in the matter of Dr. Reiter. The Board also received as a handout D.A.G. Bernstein's October 9, 2001 letter to the Board indicating that Mr. Gorrell has decided not to oppose the Attorney General's motion for summary decision. Based on Mr. Gorrell's comments, the

Attorney General requested that the Board make its determination based on the papers submitted. The Board also received as a handout Mr. Gorrell's October 9, 2001 letter confirming that Dr. Reiter would not be contesting the motions of the Attorney General to Amend the Verified Complaint and for Summary Decision.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AMEND THE COMPLAINT.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT THE ATTORNEY GENERAL'S MOTION TO FILE THE AMENDED VERIFIED COMPLAINT AS SUBMITTED.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT THE ATTORNEY GENERAL'S MOTION FOR SUMMARY DECISION BASED ON THE BOARD FINDING THERE ARE NO ISSUES OF MATERIAL FACT.

The Board moved on to the penalty phase.

HEARING NO ORAL ARGUMENT, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT THE LICENSE OF RAYMOND REITER, M.D., BE REVOKED WITH NO REAPPLICATION FOR LICENSURE FOR A PERIOD OF AT LEAST FIVE YEARS. THE BOARD FURTHER VOTED THAT DR. REITER BE ASSESSED THE COSTS OF THE INVESTIGATION AS SUBMITTED, TO INCLUDE ATTORNEY FEES. THE BOARD ALSO VOTED TO ASSESS A PENALTY OF \$25,000.

The Board noted that the rationale for its decision was due to the egregious nature of the physician's conduct; his exploiting the doctor/patient relationship for his own gratification; to protect the public from this physician; and to let the general physician population know that for these type of acts, the Board will revoke. The Board further bases its action on Dr. Reiter's guilty plea as to five counts of sexual misconduct.

**LERNER, Marvin H., M.D. (Counseling Deputy: JOYCE) (Without Appearance)
GELBER, Joan D., D.A.G., for Complainant
(Proceedings Recorded by Nadine Yuhas, C.S.R., GUY J. RENZI & ASSOCIATES)**

The matter was set down for final hearing in the matter of Marvin H. Lerner, M.D. Enclosed for Board review were the Initial Decision of ALJ Edith Klinger, the Second Amended Verified Complaint without attachments filed May 3, 1999, and Executive Director Roeder's letter to the parties dated September 28, 2001. No Exceptions were filed by either party.

The Chair noted for the record that it was 1:15 p.m., and this matter was scheduled to be heard at 1:00 p.m. A search was made of the premises and Dr. Lerner's name was called and no one responded. It appeared Dr. Lerner was not present for the hearing today.

AFTER CONSIDERING THE PAPERS BEFORE THE BOARD, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AFFIRM ADMINISTRATIVE LAW JUDGE KLINGER'S FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THIS MATTER.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AFFIRM ADMINISTRATIVE LAW JUDGE KLINGER'S RECOMMENDED PENALTY OF REVOCATION AND THE ASSESSMENT OF A \$70,000 PENALTY AND COSTS OF \$124,396.11.

OLD BUSINESS

**1. BENITEZ, Olga, M.D., License #46218 (Counseling Deputy: DICK)
SCHOPPMANN, Michael J., Esq., for Respondent (Without Appearance)**

Submitted for Board review was Mr. Schoppman's September 7, 2001 letter with attachments providing

proof of Dr. Benitez' successful completion of the courses required by the Final Order of Discipline filed October 11, 2000. Also enclosed with that Order was a September 13, 2001 letter from Executive Director Roeder to Mr. Schoppman requesting additional information concerning the successful completion of the courses and Ms. Pietro's September 18, 2001 response with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT THE COMPLETION OF THE COURSES BY DR. BENITEZ IN SATISFACTION OF THE OCTOBER 11, 2000 FINAL ORDER OF DISCIPLINE.

**2. JAMISON, Robert W., D.O., License #33382 (Counseling DAG: FLANZMAN)
GELBER, Joan D., D.A.G.**

Submitted for Board review on the papers were Dr. Jamison's July 26, 2001 petition for reinstatement of his medical license; D.A.G. Gelber's August 1, 2001 letter to the Board strongly opposing the petition and Dr. Jamison's August 17, 2001 response to D.A.G. Gelber's letter. (Note: Exhibits were attached to both of Dr. Jamison's letters, and since they contained personal information, those documents were provided to the Board in its Closed Agenda packet.) D.A.G. Gelber included with her letter the Final Order filed by the Board July 12, 2000 wherein the Board accepted the surrender of Dr. Jamison's license.

SINCE THE EXHIBITS ATTACHED TO BOTH OF DR. JAMISON'S LETTERS WERE PRESENTED BY DR. JAMISON FOR HIS REAPPLICATION AND HE SUBMITTED THEM IN SUPPORT OF THIS APPLICATION, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE THOSE PAPERS INTO OPEN FOR THE BOARD TO CONSIDER THE ENTIRE MATTER IN OPEN. CONSIDERING THE TOTALITY OF THE RECORD, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. JAMISON'S REQUEST FOR REINSTATEMENT. THE BOARD DID NOT BELIEVE DR. JAMISON SUBMITTED ANYTHING THAT WOULD MITIGATE AGAINST THE BOARD'S PRIOR POSITION AND BASES ITS DECISION ON THE FACT THAT DR. JAMISON HAS NOT COMPLIED WITH THE TERMS OF THE ORDER WHICH HE ENTERED ON ADVICE OF COUNSEL.

**3. CALLE, Stuart C., M.D., Unlicensed
PIETRO, JoAnn, Esq., for Respondent
LEVINE, Debra, D.A.G., for Complainant (Counseling Deputy: DICK)**

The Board, at its July 11, 2001 meeting, received for review the Consent Order Granting Residency Training Permit with Conditions filed in the matter of Dr. Calle on December 24, 2000 and Ms. Pietro's June 1, 2001 letter with Exhibits A through U, and an additional Exhibit A and B. Ms. Pietro explained in her letter the number of reasons the Board should reconsider the December 24, 2000 Consent Order and to withdraw or modify it. Ms. Pietro further requested that the Board set aside this Order and grant Dr. Calle the opportunity to present his case to the Board. She requested that the Board reopen this matter by way of a hearing before the Board. Also enclosed was D.A.G. Levine's June 28, 2001 response in opposition with Exhibits A through D. The Board, at its July 11, 2001 meeting, denied reconsideration of the Board's prior Order of December 24, 2000.

All documents provided to the Board at its July 11, 2001 meeting were again submitted to the Board for consideration, along with a July 19, 2001 letter of response to D.A.G. Levine's June 28, 2001 letter of opposition to Dr. Calle's Notice of Motion for Reconsideration; Executive Director Roeder's August 23, 2001 letter to Ms. Pietro advising her of the Board's July 11, 2001 decision and inquiring as to whether she wished her letter to be considered in furtherance of a further application for Board reconsideration in this matter; Mr. Kern's August 27, 2001 letter requesting further consideration of this matter by the Board; a September 28, 2001 letter from Ms. Pietro which includes a Certification from Sharon McAleavey in support of Dr. Calle's application; and D.A.G. Levine's October 4, 2001 memo to the Board urging it to reaffirm its prior position and again deny the motion for reconsideration. The Board also received as a handout Ms. Pietro's October 9, 2001 letter of response to D.A.G. Levine's further opposition to their last

submission in support of their application for reconsideration of the December 24, 2000 Consent Order entered between the Board and Dr. Calle.

It was noted that Dr. Calle was present in the room without counsel.

The Board voted to go into executive session for advice of counsel. Deputies, other than counseling staff, left the room, along with all other members of the public present.

The Board returned to open session with all members of the public present and discussed the Credentials Committee transcript regarding the comments made about "with" or "without prejudice," and the December 24, 2000 Consent Order wherein it states: "Stuart C. Calle's plenary license application is hereby withdrawn, with prejudice, precluding him from making reapplication in this State at any time in the future."

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REAFFIRM ITS PRIOR POSITION.

There were only nine votes. Therefore, this motion failed.

The Board voted to go into executive session for deliberation. Deputies, other than counseling staff, left the room, along with all other members of the public present.

The Board returned to open session with all members of the public present, and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO UPHOLD THE PRIOR DECISION OF THE BOARD AND CONSENT ORDER BASED ON THE FACT IT WAS DEMONSTRATED THAT DR. CALLE HAD MULTIPLE OCCASIONS WHERE HE WAS ADVISED TO HAVE AN ATTORNEY AND WAS ADVISED OF THE NATURE OF WHAT "WITH PREJUDICE" REQUIRED. AN ORDER MORE FULLY DETAILING THE BOARD'S REASONING WILL FOLLOW.

Mr. Farrell and Mr. Weiss voted in opposition.

4. VERDONI, Richard, M.D., License #53454 (Without Appearance)
GORRELL, Joseph M., Esq., for Respondent
ALBERTSON, B. Michele, D.A.G., for Complainant

Doctors Robins, Rokosz and Wallace recused themselves from discussion and vote in this matter.

A Provisional Order of Discipline (POD) was filed June 7, 2001 which would suspend the above physician's license for six months, the entirety of which is to be stayed. Enclosed for Board consideration were D.A.G. Albertson's August 14, 2001 letter to the Board; Mr. Gorrell's July 10, 2001 and July 12, 2001 responses with attachments; and the POD with attachments filed June 7, 2001. This matter was tabled from the Board's September 19, 2001 meeting.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RESCIND THE PROVISIONAL ORDER OF DISCIPLINE.

Doctor Trayner and Mr. Walsh voted in opposition.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT DR. VERDONI RECEIVE A LETTER OF ADMONISHMENT.

Doctor Trayner and Mr. Walsh voted in opposition.

D.A.G. Joyce will include in the letter of admonishment recognition of Dr. Verdoni's representation that he will take an ethics course.

5. PROVISIONAL ORDERS OF DISCIPLINE

ALBERTSON, B. Michelle, D.A.G.

The Board received for review D.A.G. Albertson's October 1, 2001 letter to the Board concerning Provisional Orders of Discipline (PODs) filed with respect to each of the seven physicians listed below. Each matter was subject to finalization 30 days after issuance and no responses were received. The Attorney General sought the entry of Final Orders of Discipline without modification for each of the physicians listed below.

1. DIMAYUGA, Jose, M.D.

The POD was filed August 28, 2001 which would reprimand the above physician's license. Enclosed was Executive Director Roeder's September 28, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

2. FREMER, Edward, M.D.

The POD was filed June 12, 2001 which would revoke the above physician's license. Enclosed was Executive Director Roeder's September 28, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

3. HOFFMAN, Martin, M.D.

The POD was filed October 10, 2000 which would suspend the above physician's license. Enclosed was Executive Director Roeder's March 12, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

4. ONDASH, Bernard, M.D.

The POD was filed June 18, 2001 which would revoke the above physician's license. Enclosed was Executive Director Roeder's September 28, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

5. SCHEINER, Solly, M.D.

The POD was filed April 25, 2001 which would revoke the above physician's license. Enclosed was Executive Director Roeder's September 28, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

6. TAN, Yan Shin, M.D.

The POD was filed April 23, 2001 which would suspend the above physician's license for two years. Enclosed was Executive Director Roeder's September 28, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE

PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

7. TZENG, Robert, M.D.

The POD was filed June 25, 2001 which would revoke the above physician's license. Enclosed was Executive Director Roeder's September 28, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

REPORT OF NEW COMPLAINTS FILED

1. ANAMA, Luzminda M., M.D., License #34348 (Toms River, NJ)

Complaint filed September 28, 2001 alleging Respondent's deviations from accepted standards of medical practice in her care of one patient demonstrated repeated acts of negligence.

REPORT OF INTERIM AND FINAL ORDERS FILED WITH THE BOARD

1. ATTALLAH, Ahdi, Unlicensed, a/k/a Ahdy Attallah, Ahdy Attalah (Jersey City, NJ)

CONSENT ORDER filed September 10, 2001. The Board received a complaint from a woman that alleged that while she was engaged in a romantic relationship with Ahdi Attallah, he treated her diabetic condition, examined her, gave her daily shots of insulin, started an IV drip into her arm, gave her prescription strength Motrin and birth control pills. The record also reflects that Ahdi Attallah testified under oath before Honorable Martin Barber, J.S.C., in Superior Court, Hudson County, during a domestic violence hearing, that he received a medical license in November 1999. The Board reviewed documentation that the respondent graduated from medical school in Egypt, had satisfied requirements for the Educational Commission for Foreign Medical Graduates (ECFMG), his testimony during a court appearance that he had obtained his medical license in 1999, and his certification that he never treated patients nor practiced medicine in the State of New Jersey. It appeared to the Board he misrepresented his licensing status to the court. The Board has ordered he cease and desist from engaging in or holding himself out as engaging in the practice of medicine and surgery and from using the title or designation "doctor", "physician" or any other language or title denoting licensure unless and until he is duly licensed by the Board of Medical Examiners to do so or until he holds a Board-issued residency training permit enabling him to matriculate in an ECFMG postgraduate training program. **EFFECTIVE DATE: August 20, 2001**

2. BLOCK, Michael G., M.D., License #27218 (West Orange, NJ)

ORDER OF REINSTATEMENT OF LICENSE filed August 31, 2001. Dr. Block's license to practice medicine in the State of New Jersey is reinstated. On February 22, 1999, an Initial Decision/Settlement and Order were filed which suspended Dr. Block's license for three months and required successful completion of an ethics course and payment of penalties and costs. The conduct which formed the basis for the Order involved, but was not limited to, multiple instances of false statements to insurance companies which enabled this physician to obtain disability benefits. Based on his compliance with the terms of the Board's order, his license has been reinstated. **EFFECTIVE DATE: August 31, 2001**

3. BYRON, Herve M., M.D., License #20959 (Englewood Cliffs, NJ)

CONSENT ORDER OF PERMANENT RETIREMENT OF LICENSURE filed August 19, 2001 The Board received information that Dr. Byron wished to permanently retire his license to practice medicine in the State of New Jersey. The Board granted leave and shall immediately voluntarily permanently retire his license to practice medicine and surgery in the State of New Jersey. **EFFECTIVE DATE: August 19, 2001**

4. FREUNDLICH, William, D.P.M., License #1143 (Passaic, NJ)

FINAL ORDER OF DISCIPLINE filed August 31, 2001. Dr. Freundlich's license to practice podiatry in the State of New Jersey is revoked. Action based on Dr. Freundlich's guilty plea and conviction after being charged with conspiracy to commit mail fraud. EFFECTIVE DATE: August 31, 2001

5. KATZ, Michael Martin, M.D., License #50279 (Hewlet Harbor, NY)

ORDER GRANTING ADJOURNMENT filed August 22, 2001. The Board granted the respondent's motion for adjournment of the Board's consideration of the Attorney General's motion for summary decision on Count 16 of the pending administrative complaint. Respondent is prohibited from engaging in any practice of medicine and surgery in the State of New Jersey until such time as the judicial review of the final determination of the New York Administrative Review Board for Professional Medical Conduct has been concluded in the State of New York and until such time as the final disposition has been made by the NJ Board on all counts of the pending administrative complaint, including Counts 1 to 15 following hearing at the Office of Administrative Law. The Attorney General is expressly granted leave to renew her motion for partial summary decision based on Count 16 of the complaint at such time as the final decision is rendered by the New York judiciary on the decision of the New York Administrative Review Board. EFFECTIVE DATE: August 22, 2001

6. PIUCK, Charlotte, M.D., License #28120 (Oakland, NJ)

FINAL ORDER OF DISCIPLINE filed August 31, 2001. Dr. Piuck's license to practice medicine is revoked. Action based upon her entering into a Settlement Agreement on or about July 31, 1998 with the US Department of Justice and the Office of the Inspector General of the US Department of Health and Human Services whereby she agreed to be permanently excluded from participation in Medicare, Medicaid and all other federal health care programs. Effective September 23, 1999, she also surrendered her license to practice medicine in the State of New York. EFFECTIVE DATE: August 31, 2001

7. SAYED Saquib Bashir, M.D., License # MA73086 (Cranford, NJ)

CONSENT ORDER OF LIMITED LICENSURE filed September 8, 2001. Dr. Sayed applied for a plenary license. In response to questions on the application, he disclosed that while residing in Minnesota and Kentucky, he had been arrested and charged twice for Driving Under the Influence. There were also incidents of arrests for domestic violence. Additional information revealed he entered an alcohol rehabilitation program in March 1997 and participated in the Kentucky Impaired Physicians' Program. In July 1997, he agreed to be monitored by the Kentucky Board of Medical Examiners. In November 1998, he was suspended by the Kentucky Board and subsequently entered into a July 26, 2001 Agreed Order of Permanent Surrender of his Kentucky medical license. The Board also considered his four years of documented sobriety, his active involvement with the New Jersey Physicians Health Program (PHP), his participation in AA, urine specimens all negative, a neuropsychological assessment and a report from his psychiatrist. The Board ordered he Dr. Sayed shall be granted a license to practice medicine limited to a Board-approved supervised setting. His supervisor is to be provided with a copy of the order and must provide quarterly reports to the Board. Any conduct indicative of relapse must be immediately reported to the Board. He must enroll in the PHP and comply with the monitoring program including random, direct-witnessed, unannounced urine monitoring once per week with any positive results reported immediately to the Board. PHP to report quarterly to the Board. Dr. Sayed must engage in substance abuse counseling and mental health counseling with a Board approved psychiatrist who will report quarterly to the Board regarding Dr. Sayed's attendance and progress. He may not prescribe or dispense CDS for himself nor shall he possess such substances except pursuant to a bona fide prescription written by a physician/dentist for good medical/dental cause with a written report submitted to the Board and PHP. Dr. Sayed's continued licensure is contingent upon strict compliance with all conditions. He may apply for modification of the terms/conditions of this Order no sooner than one year from entry. EFFECTIVE DATE: September 8, 2001

8. SHIN, Scott Heejoon, D.O., License #MB66672 (Sicklerville, NJ)

ORDER GRANTING UNRESTRICTED LICENSURE filed August 19, 2001 . The Board received information that on April 20, 2000 in Washington Township, New Jersey, Scott Heejoon Shin, D.O. had pled guilty to a charge of terroristic threats, third degree. In a Consent Order filed March 30, 2001, Dr. Shin was reprimanded for having committed a crime relating adversely to the activity regulated by the Board and was directed to enroll with the Physicians Health Program. On June 27, 2001, Dr. Shin appeared before a committee of the Board and petitioned for unrestricted licensure. The Board was satisfied that Dr. Shin had been totally compliant with the Consent Order dated March 30, 2001 and should not be subjected to any further supervision or monitoring by the Physicians Health Program. The Board ordered Dr. Shin be granted an unrestricted license to practice medicine and surgery in New Jersey. EFFECTIVE DATE: August 19, 2001

9. SPERLING, Howard J., M.D., License #42924 (Smithville, NJ)

REVISED INTERIM CONSENT ORDER filed September 19, 2001. Dr. Sperling petitioned the Board for modification of the restrictions and conditions contained in the Consent Order Reinstating Licensure filed March 2, 2001. Dr. Sperling voluntarily surrendered his license to practice medicine pursuant to a Consent Order filed April 13, 2000 based upon a relapse into substance abuse. His petition for modification pertained to the preclusion from prescribing or dispensing any controlled dangerous substance (CDS) in his medical practice. The Board found total restoration of prescribing privileges could only be had after proof of re-education in accepted standards of medical practice pertaining to prescribing. The Board ordered that he continue to maintain absolute abstinence from all psychoactive substances unless such substances are prescribed for a documented medical condition by a treating physician who has been informed of Dr. Sperling's substance abuse history and after notification to the Physicians Health Program (PHP) of the intended prescribing. He must continue weekly participation in aftercare sessions at Seabrook House, continue attending Alcoholics Anonymous, continue participation with the Physicians Health Program as specified including twice weekly random urine screens for the first six months then weekly for not less than a year. Dr. Sperling's controlled dangerous substance (CDS) privileges for Schedule II remain prohibited pending further order of the Board. His privileges for CDS privileges for Schedule III, IV, and V are restored contingent upon his successful completion of a Board approved course in the proper prescribing of controlled substances within 12 months. He may apply for Schedule II privileges after completing the CDS course which will necessitate an appearance before a committee of the Board. He must obtain a valid DEA registration and State CDS registration. He agreed that any reports of non-compliance, relapse or other material failure to comply shall provide cause for entry of an immediate Order by the Board suspending his license. EFFECTIVE DATE: September 19, 2001

10. THALER, Abraham, D.O., License #13714 (Iselin, NJ)

ORDER ACCEPTING RETIREMENT OF LICENSURE filed September 20, 2001. The Board commenced an investigation concerning Dr. Thaler's medical practice. Dr. Thaler represented to the Board he will retire from the practice of medicine on or before November 1, 2001. The Board is satisfied that his agreement to retire from medical practice on or before November 1, 2001 obviates the need to conduct any further investigation. His retirement has been accepted by the Board. He may not engage in any practice of medicine in New Jersey or elsewhere after November 1, 2001. He may not accept new patients into his practice between the date of entry of this Order and November 1, 2001 and must during that time make necessary arrangements for the transfer of care for his patients and the transfer of patient records to other practitioners. In the event he shall engage in any practice of medicine in New Jersey or elsewhere after November 1, 2001, such practice shall constitute grounds for entry of an Order revoking his license to practice medicine and surgery in the State of New Jersey. EFFECTIVE DATE: September 20, 2001

Additional matters which are not considered public reports were filed with the Board Office.

There being no further business of the Board concerning OPEN DISCIPLINARY MINUTES in open session, the Board voted to continue with the meeting concerning Matters Pending Litigation and

Disciplinary Action in closed session.

Respectfully submitted,

David M. Wallace, M.D., Chairperson
for Open Disciplinary Matters