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FILED

June 26, 2009

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

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

DONALD FRANK, M.D.
LICENSE NO. 25MA02551300

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

INTERIM CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") on June 19, 2009, by Verified Administrative Complaint, of Anne Milgram, Attorney General of New Jersey, by Carla M. Silva, Deputy Attorney General, on notice to Respondent, Donald Frank, M.D. (hereinafter "Respondent"), seeking the temporary suspension of the Respondent's license to practice medicine and surgery and for such other relief deemed appropriate, pursuant to the authority conferred on the Board by N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:1-14 et seq. and related administrative regulations. Respondent through counsel

CERTIFIED TRUE COPY

Susan Karlovich, Esq., James C. Orr, Esq. and Joseph Gorrell, Esq. has filed a brief in opposition to the temporary suspension application. Hearing in this matter began before a duly authorized Committee of the Board on June 24, 2009. Prior to the Committee reaching a decision the parties achieved the within interim resolution.

The record in this matter has established that the allegations of the Attorney General, if proven, would demonstrate that the continued practice of medicine by Respondent pending final disposition of the Verified Complaint represents a clear and imminent danger to the public health, safety, and welfare, in accordance with N.J.S.A. 45:1-22. Respondent does not contest the allegation of clear and imminent danger at this time.

The Board finding the within resolution adequately protective of the public health, safety and welfare and the parties having agreed hereto,

It is on this 24th day of June, 2009,

Ordered and Agreed:

1. This is an interim resolution which shall remain in place pending further order of the Board of Medical Examiners.
2. Respondent represents that he does not hold active hospital privileges at any hospital and that he will not seek such privileges during the pendency of this agreement.

3. Respondent shall hold privileges solely in Ambulatory Surgical Centers made known in advance to the Board.

4. Respondent's surgical activities are hereby limited to functioning as a First Assistant Surgeon in the performance of surgeries by a surgeon approved in advance by the Board. (For these purposes, the Board has approved Dr. David Greifinger, and Dr. Louis G. Quartararo).

5. Respondent shall be permitted to participate as First Assistant Surgeon in surgeries on the patients of his practice, if said surgeries are subject to the approval and advice of surgeons approved under this agreement. Respondent may also function as First Assistant for Dr. Greifinger's and Dr. Quartararo's surgical patients.

6. The patient's chart for every surgery in which Respondent participates shall display the signature of the surgeon, and the indication that the surgeon has approved the selection of that patient for surgery and shall specify the planned procedure.

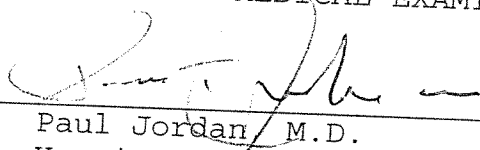
7. Respondent shall not participate in any surgical procedure, in any location, absent the presence of a surgeon approved under the terms of this Order.

8. Both Dr. David Greifinger, and Dr. Louis G. Quartararo (and any other subsequently approved surgeons) shall, by their signature on a copy of this Order, agree to provide quarterly reports to the Board detailing Respondent's compliance with the

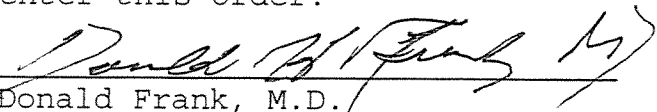
terms of this order. Both agree to immediately report to the Board any non-compliance by Respondent with the terms of this order or their knowledge of any surgery performed by Respondent absent their presence.

9. Respondent shall undergo an assessment of surgical skills by an independent entity nominated by Respondent and approved by the Board (which approval shall not be unreasonably withheld). The assessment shall commence within three months of the within order, and shall be at Respondent's sole expense. The parties contemplate that the assessment will entail a direct observation of Respondent's surgical conduct in the course of scheduled procedures. The evaluation shall be provided by the evaluator to all parties and to the Board. The evaluator shall be provided with all of the submissions currently before the Board and shall be free to make recommendations. Respondent waives any privileges that may attach to this report of evaluation.

STATE BOARD OF MEDICAL EXAMINERS

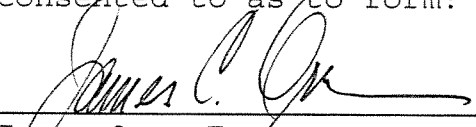

By: Paul Jordan M.D.
Hearing Committee Chair

I have read and understood this Interim Agreement and consent to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Donald Frank, M.D.

Consented to as to form:



James Orr, Esq.

I agree to my role as detailed herein and understand that my signature on a copy of this Order constitutes an agreement with the Board.

David Greifinger, M.D.

Louis G. Quartararo, M.D.