

FILED

March 24, 2004

**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:

BRUCE PRINTZ, D.O.

ORDER IMPOSING TEMPORARY
SUSPENSION OF LICENSURE

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the filing of a Verified Complaint and Order to Show Cause on February 24, 2004. Therein, the Attorney General alleged that cause existed to enter an order temporarily suspending the license of Bruce Printz, D.O., to practice medicine in the State of New Jersey, based on charges that respondent had engaged in inappropriate sexual conduct with three identified patients, to include, without limitation, inappropriately touching the breasts of all three patients for sexual purposes, kissing and hugging two of the three patients, and making crude and inappropriate sexual comments to all three patients.

A hearing on the Order to Show Cause was held before a Committee of the Board on March 10, 2004. Board President David M. Wallace, M.D., and Board members Edwin Trayner, M.D. and Bassam Haddad, M.D. sat on the Hearing Committee. Deputy Attorney General Megan Matthews appeared on behalf of complainant Attorney General,

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and Jay Surgent, Esq. appeared on behalf of respondent Bruce Printz, D.O.¹

The Attorney General supported his application for the temporary suspension of Dr. Printz' license with the following documents introduced into evidence without objection:

- P-1 Arrest Reports dated November 4, 2003 and December 9, 2003 (detailing arrests of Bruce I. Printz, D.O., by Woodbridge Police Department).
- P-2 Grand Jury Indictment, in State v. Bruce Printz, (indictment on three counts of criminal sexual contact, a fourth degree crime, in violation of the provisions of N.J.S.A. 2C:14-3b).
- P-3 Woodbridge Police Investigative Report dated October 29, 2003 and November 4, 2003 (re: investigation of charges concerning Jennifer M).
- P-4 Statement of Jennifer M. given to the Woodbridge Police Department on October 29, 2003, and certification of Jennifer M. as to the truth and accuracy of her statement.
- P-5 Transcript of taped telephone conversation of October 30, 2003 between Jennifer M. and Dr. Printz.
- P-6 Medical records for Jennifer M. maintained at the Avenel-Iselin Medical Group, Iselin, New Jersey.
- P-7 Woodbridge Police Investigation Report dated December 4, 2003 (re: investigation of charges concerning Kelly C.).

¹ The Board, by motion adopted unanimously, delegated the hearing of this matter to a Board Hearing Committee. The Board specifically authorized the Committee to enter an Order at the conclusion of the hearing, which Order was to have the full force and effect of an Order of the full Board. This written Order of the Committee shall be presented to the full Board at the Board's next meeting on April 14, 2004 (along with copies of the documents in evidence at the hearing and a transcript of the hearing), at which time the full Board may ratify, modify or reject the Committee's Order.

- P-8 Statement of Kelly C. given to the Woodbridge Police Department on December 4, 2003, and certification of Kelly C. as to the truth and accuracy of her statement.
- P-9 Medical records for Kelly C. maintained at the Avenel-Iselin Medical Group, Iselin, New Jersey.
- P-10 Woodbridge Police Investigation Report dated November 26, 2003 (re: investigation of charges concerning Tracey C.).
- P-11 Statement of Tracey C. given to the Woodbridge Police Department on November 25, 2003, and certification of Tracey C. as to the truth and accuracy of her statement.
- P-12 Medical records for Tracey C. maintained at the Avenel-Iselin Medical Group, Iselin, New Jersey.

Respondent submitted an Answer wherein he denied the substantive charges within the Administrative Complaint, and predicated his defense on counter-statements of fact that were set forth within a letter brief dated March 5, 2003 prepared by Mr. Surgent. Because none of the counter-statements of fact within the brief were supported by any certifications or other sworn statements (whether from respondent or other knowledgeable individuals), Dr. Printz was sworn in at the hearing and testified that the factual statements in the brief were true. Based on that testimony, the brief was moved into evidence as Exhibit R-1 (also admitted into evidence without objection, as attachments to the brief, were certain statements written by patients of Dr. Printz, generally supporting Dr. Printz and commenting on his character and on medical services he provided to the authors of the letters).

The Attorney General argued that the pattern of conduct engaged in by respondent, specifically his inappropriate sexual contact with patients Jennifer M., Kelly C. and Tracey C., "constituted an abuse of his authority and demonstrates flagrant violations of the relevant statutes and regulations governing a licensed professional and presents a clear and imminent danger to the public." Mr. Surgent argued that the Board should discount the statements of the three patients because those patients were individuals who have medical histories which include, in one case, diagnoses of psychiatric conditions, and, in a second case, a history of cocaine addiction. Mr. Surgent also suggested that there were measures that the Board could impose, short of ordering the temporary suspension of Dr. Printz' license, which would adequately protect the public health, safety and welfare pending the completion of plenary proceedings in this matter.

Upon examination of the evidence before us, we are satisfied that the Attorney General has made a palpable demonstration that Dr. Printz' continued practice would present clear and imminent danger to the public health, safety and welfare. The evidence thus supports a finding, at this juncture of the proceeding, that Dr. Printz has manifested an inability to control his behavior, to include touching the breasts of female patients for sexual purposes, kissing and hugging patients for sexual purposes, and repeatedly making obscene and shockingly

inappropriate comments to multiple female patients. While we are satisfied that the evidence concerning what occurred on October 29, 2003 with Jennifer M. would be sufficient, standing alone (particularly as Jennifer M.'s statement is corroborated both by the admissions respondent apparently made in his conversation of October 30, 2003 with Jennifer 'M. and by the statements he is reported to have provided to the Woodbridge Police), to support a finding of clear and imminent danger, in this case that finding is buttressed by the statements provided by patients Kelly C. and Tracey C., both of which suggest that the recent incident of October 29, 2003 with Jennifer M. was not an isolated incident, but rather the latest chapter in a pattern of demonstrated inappropriate sexual behavior occurring with female patients who visited Dr. Printz solely to be evaluated and treated for medical conditions. We unanimously conclude, on the record before us, that the license of respondent should presently be temporarily suspended, pending the completion of plenary proceedings in this matter. We review below in greater detail the evidence presented to the Committee and the basis for the findings we have made and actions we have ordered.

Summary of Evidence Presented

In this case, the application made by the Attorney General for the temporary suspension of respondent's license was supported by documents introduced into evidence, to include sworn

statements from each of the three patients allegedly victimized by respondent's misconduct, a taped transcript of a phone conversation between patient Jennifer M. and Dr. Printz, and statements set forth within arrest and investigative reports prepared by the Woodbridge Police Department. In her sworn statement given to the Woodbridge Police Department on October 29, 2003 (P-4 in evidence), Jennifer M. recounted the events which occurred in Dr. Printz' office that day as follows:

" [Dr. Printz] came in the room. He acknowledged me. He wanted to know why I was there. And I said just as a re-check for my allergies. I told him I needed three prescriptions refilled. He said fine. He then asked me how things were. And I said fine. Um, I then, uh, he then told me, he asked how my social life was. And I said it's fine. And under the confidentiality, confidential, confidentiality issue I, I stated to him that I did have a girlfriend and I'm very happy. And he was stunned at the moment. And he said I don't believe it. And I said I do, I'm very happy. Um, that, that's all there was to it. He then stated to me can I set naked, come over and watch. And jokingly, I told him no. Uh, he then sat next to me. Be was on my left. He pulled my face toward his. He kissed me three times. His right hand then rubbed against my breasts. Then he opened my shirt and looked inside. I then pushed his hand away. I told him to get out. He, I said I want my flu shot. He then said I can't get up right now. I said get up and get my flu shot. I felt very uncomfortable and I wanted him out of the office. He finally stood up. He then said if I throw you on the ground and, and f--k you, would you like that. And I said no. He then finally opened the door. He told the nurse I need a flu shot in here. The nurse finally came in. He said see you later Jen. And he walked out into the next room. [emphasis added]

Jennifer M.'s statement is corroborated by respondent's own words, to include both the statements he made in a telephone

conversation with Jennifer M. the day after the incident and statements he made to the Woodbridge Police at the time of his arrest. The record thus demonstrates that, in a phone conversation between Dr. Printz and Jennifer M. which occurred the day after the incident (the transcript of the telephone conversation is set forth in P-5 in evidence), when confronted with the substance of the allegations made by Jennifer M., Dr. Printz did not deny a single allegation and repeatedly apologized and conceded that his conduct was wrong. When Jennifer M. initially stated that she wanted to discuss what had happened in the office (to include "the kiss, the touch, the look down my shirt"), Dr. Printz told her that he "was just kidding." Dr. Printz then stated at various points of the conversation that he "thought [Jennifer M.] would just take it kind of ,tongue and cheek" and that he "just was *goofing* around" (the "goofing around" statement was made after Jennifer M. stated "I mean you touched my breast, Bruce"); at another point during the conversation, he told Jennifer M. "I like you. And I've liked you and I've known you for a long time." In response to Jennifer M.'s comment that the "thing that, that irked me the most *is* you made that comment about throwing me on the floor," Dr. Printz stated "I goof around sometimes. And I overstep my bounds. And I apologize."

Further corroborating evidence, again in the form of statements made by respondent, is set forth in a Supplemental

Investigative Report dated November 4, 2003 prepared by Sergeant Joseph Joraskie of the Woodbridge Police Department (P-3). Therein, Sergeant Joraskie reports that Dr. Printz, upon being advised of his Miranda rights and being advised of the charges that had been made by Jennifer M., stated "he did act inappropriately," but felt that Jennifer M. was "embellishing." When asked for his version of what happened, the report sets forth that Dr. Printz stated:

He remembers Jennifer offering to him the information that she was lesbian, and does not know what prompted her to tell him this. He does admit that he started talking to her about that after she told him. He states that all his comments was in a joking manner. He states he did act inappropriate when he sat next to her, and did kiss her three times. Further, he admits to pulling her shirt away from her body, in an attempt to look down he (sic) shirt. He denies ever touching her breast.

...

I advised him that according to Jennifer, he kissed her first, then touched her breast. At this point, she told him to stop, and he next pulled on her shirt. He said he did not hear her say stop, but while talking with me, he paused, and said he needed to think, then talked out loud and said if she said stop, he was not remembering it.

...

Further, although he feels Jennifer was not alarmed by what he did, I asked him if in fact she consented to this touching, and he said no. .But felt she did not actively resist.

...

Mr. Printz was offered the opportunity to provide a taped statement. He declined, and asked me to simply write everything he told me in my report.

The allegations set forth within Counts 2 and 3 of the complaint are supported by sworn statements from the two patients identified in said counts. Patient Kelly C. states that she was victimized by inappropriate sexual behavior by Dr. Printz on three occasions. She states that the initial inappropriate sexual behavior occurred during an office visit in September 1988. During that visit (for a breast examination), Kelly C. states that Dr. Printz told her to remove her dress but she refused and only opened the top buttons (no gown or other covering was offered), and she states that Dr. Printz then conducted an inappropriate breast exam during which Dr. Printz felt her entire breast, including her nipples, in a sexual manner. Kelly C. also states that, during the September 1988 visit, Dr. Printz kissed her on the mouth, and made inappropriate sexual comments, to include telling Kelly C. that she had nice breasts and that she must not be fun in bed. Kelly C. also states that, more recently, during an office visit occurring in 2003 (the visit was for treatment for bronchitis)', Dr. Printz sat uncomfortably close to her (to the point where she was afraid to turn because she thought that Dr. Printz would "make a move to kiss me"), nudged her, and placed his hand on her thigh close to her vaginal area (see P-8 in evidence).

² It should be noted that Kelly C. stated that she switched her doctor after the September 1988 incident and went to another doctor for "at least ten years," but ultimately went back to the Avenel-Iselin Medical Group and was seen on occasion by Dr. Printz.

Patient Tracey C. recounts in her sworn statement (see P-11 in evidence) that she was seen by Dr. Printz on March 15, 2003 for treatment of a urinary tract infection. Tracey C. states that when Dr. Printz first came into the examination room, he asked her very personal questions about her "sex life." Thereafter, he instructed Tracey C. to remove *her* shirt and bra (without providing a gown or other cover); when Tracey C. was fully topless, he began conducting a breast examination, but did so in a manner that Tracey C. described as being different from other breast exams that had previously been performed on her (she described it as "groping"). Dr. Printz next told Tracey C. to lie down, and then continued to touch her breasts. Dr. Printz asked Tracey C. whether she wanted him to do a pelvic exam; when she declined, he again asked her "probably about four times" whether she wanted the pelvic exam. After the examination was concluded, Tracey C. states that Dr. Printz continued to make her uncomfortable by rubbing her leg and her arm, and then gave her a hug (which she thought was "unprofessional" and made her feel "very uncomfortable").³

Respondent has offered a statement (see above) wherein he denies certain of the allegations made by Jennifer M., to include the allegation that he purposefully made contact with Jennifer's

³ In addition to sworn victim statements, related police reports and the grand jury indictment, the Attorney General introduced patient records produced by the Avenel-Iselin Medical Group for each of the three patients identified in the complaint. The records apparently corroborate that the individual patients were in fact seen by Dr. Printz on the dates alleged.

breasts, denies having any independent recollection of treating Kelly C. but claims to have never conducted a breast exam "in a sexual manner" or ever kissed any breast exam patient, and notes that he has no independent recollection of patient Tracey C. Respondent fails, however, to address the vast majority of specific allegations made in the Verified Complaint and within the statements provided by the three patients (for instance, his statement concerning the October 29, 2003 office visit does not make any mention or comment upon the allegations made by Jennifer M. that he kissed her three times, nor does it make any mention about the alleged statements he made about wanting to get naked and come to her house to watch Jennifer M. and her girlfriend or his comment that he wanted to have sex with Jennifer M.). We do note, however, that Dr. Printz has filed an answer wherein he has denied the allegations of the verified complaint, and we thus draw no inference from Dr. Printz' failure to address many of the allegations made against him within the brief (R-1 in evidence).⁴

⁴ Although written supportive letters of other patients have been accepted into this record, we do not find those letters to be relevant at this juncture of the proceeding, as there is no suggestion that any of the authors of said letters have any knowledge concerning Dr. Printz' interactions with any of the three patients who are the subject of this complaint. Such letters would undoubtedly be relevant and could be introduced into the record as mitigation evidence if the issue here to be decided was the penalty to be imposed upon Dr. Printz in the event the charges against him were to be sustained following plenary proceedings in this matter, however they do not bear upon the issue whether Dr. Printz' continued practice presently presents a clear and imminent danger to the public health safety and welfare.

Findings of Fact and Conclusions of Law

We find the evidence presented by the Attorney General in support of the application for the temporary suspension of respondent's license to be compelling, and to unquestionably form a predicate upon which to support a finding that respondent's continued practice of medicine would pose a clear and imminent danger to the public health, safety and welfare. The Attorney General's application is supported by specific statements from each of the three patients, all of which detail incidents where Dr. Printz has taken the trust and repose that female patients placed in him as a physician, and shattered that trust by acting not as a diagnostician or healer, but as a sexual predator.

Most significantly, the allegations regarding patient Jennifer M. are supported not only by Jennifer M.'s statements, but also in large measure by respondent's own words and statements in the telephone conversation the day after the incident and as recounted by Sergeant Joraskie in the Woodbridge Police Report. We find that the evidence regarding what occurred in Dr. Printz' office on October 29, 2003 is evidence which, standing alone, would be sufficient to support a conclusion that Dr. Printz' continued practice would present a clear and imminent danger to the public health, safety and welfare. In this case, the conclusion is further buttressed by the evidence concerning the interactions between Dr. Printz and patients Tracey C. and Kelly C.; both

patients describe conduct which is similar to that described by Jennifer M. Taken together, the statements support a finding, at this juncture, that Dr. Printz has repeatedly sought to sexually impose himself upon his female patients, and has repeatedly been unable to control his behavior in the context of a patient office visit. We thus find that the statements of all three patients support the threshold finding we herein make that Dr. Printz' continued practice would present clear and imminent danger.

Having found that Dr. Printz' continued practice would present a clear and imminent danger to the public health, safety and welfare, we reject Dr. Printz' suggestion that interim measures short of the temporary suspension of his license could be crafted to protect the public pending the completion of plenary proceedings in this matter. We thus conclude, at this stage of the proceeding, that Dr. Printz' evident repeated inability to control his behavior, and his repeated acts of outrageous sexual misconduct, pose risks that could not be adequately eliminated or ameliorated by any monitoring system we might presently craft or practice limitations we might presently impose.

WHEREFORE, it is on ,this 23rd day of March, 2004

ORDERED, effective on March 10, 2004:

1. The license of respondent Bruce Printz, D.O, is hereby temporarily suspended, pending the completion of plenary proceedings in this matter.