

THIS IS A
~~NON DISCIPLINARY~~
ORDER

ANNE MILGRAM
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FILED

JANUARY 15, 2009

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF : CONSENT ORDER
:
KEITH E. FRASER, M.D. :
License No. MA053154 :
:
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of information that on December 9, 2008 Keith E. Fraser, M.D. was indicted in the Superior Court of New Jersey, Law Division - Criminal, Essex County, for the aggravated criminal sexual contact of C.G., a patient, at his medical office. The indictment consisted of the following one count: criminal sexual contact upon C.G. as defined by N.J.S.A. 2C:14-2(c), by committing one or more acts of sexual contact upon C.G. by using physical force, but where C.G. did not sustain severe personal injury, contrary to the provisions of N.J.S.A. 2C:14-3(b).

CERTIFIED TRUE COPY

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Dr. Fraser has entered a general denial of the charges. Dr. Fraser hereby consents and agrees to each and every term of this Consent Order. The Board finding the within disposition to be adequately protective of the public health, safety and welfare, IT IS ON THIS 15TH DAY OF JANUARY, 2009, HEREBY ORDERED AND AGREED THAT:

1. Dr. Keith E. Fraser shall within five days of filing this Order inform the Executive Director of the Board of Medical Examiners, in writing, of Dr. Fraser's office hours. Dr. Fraser shall within twenty-four hours inform the Executive Director, in writing, of any changes in such office hours. Dr. Fraser shall not have any patient encounter whatsoever in his office at any time other than the office hours as provided to the Executive Director.

2. A chaperone (the "Chaperone") shall be present at Dr. Fraser's practice whenever Dr. Fraser is in the office with female patients. The Chaperone shall be present whenever Dr. Fraser encounters a female patient for any reason whatsoever. The Chaperone must remain present throughout the encounters and must remain in a position so as to have a clear line of sight to the patients. The Chaperone shall initial the patient record pertaining to each patient encounter as documentation of the chaperone's presence.

3. The Chaperone must be a licensed health care professional who holds a valid license issued pursuant to a Chapter of Title 45 of the New Jersey Statutes.

4. Dr. Fraser shall within ten days of signing this Order furnish to the Board the full name, home address, telephone number, type of license, and license number of a proposed Chaperone. Dr. Fraser shall within twenty-four hours inform the Board of any changes in any of the information he provides to the Board with regard to the Chaperone.

5. The Chaperone must be approved, in advance, by the Board. The Board has delegated the authority to approve the Chaperone to the Executive Director of the Board, and the Executive Director's approval of the Chaperone shall be sufficient for purposes of this Order. Any proposed Chaperone must acknowledge in a signed letter to the Board that he or she has reviewed and understands the terms of this Consent Order.

6. The approved Chaperone shall promptly report to the Board any occurrence or behavior observed which the chaperone in good faith believes to have been inappropriate or potentially in violation of this order.

7. The Board may from time to time in its sole discretion consult with the Chaperone for purposes of determining Dr. Fraser's compliance with the terms of this Order. The Board may delegate to the Attorney General or to the Executive Director the authority to so consult with the Chaperone. Dr. Fraser hereby waives any claim of privilege or confidentiality he may have with regard to any information that the Chaperone may provide, under the provisions of this Order, to the Board, the Attorney General or the Executive

Director. Dr. Fraser shall take all reasonably necessary actions to assure the cooperation of the Chaperone with the Board, the Attorney General and the Executive Director.

8. Dr. Fraser shall be entirely responsible for any and all costs or expenses associated with use of the Chaperone as required by the terms of this Order. The Board shall have no responsibility whatsoever for any expenses or costs arising from the use of the Chaperone. Dr. Fraser, moreover, shall not charge any patient, third-party payor or government benefits program for the use of the Chaperone.

9. The Board expressly reserves the right and prerogative to file an Administrative Action upon notice to Dr. Fraser and seek to vacate this Order, in the event that:

- a. Dr. Fraser commits a material violation of any term of this Order; or
- b. Dr. Fraser pleads guilty to any offense; or
- c. Dr. Fraser is convicted of any charge in the Indictment; or
- e. Dr. Fraser enters into a Pretrial Intervention Program pursuant to N.J.S.A. 2C:43-12, et seq. as the result of the Indictment; or
- f. Dr. Fraser has engaged, or, after the entry of this Order, engages in conduct that violates any regulation or statute governing the practice of

medicine and surgery in the State of New Jersey,
other than the conduct alleged in the Indictment.

10. Nothing in this Order shall limit in any way the right and prerogative of the Board or the Attorney General to conduct or to continue any investigation of Dr. Fraser, including any investigation relating to the allegations contained in the Indictment.

11. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Dr. Fraser's conduct.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____

Paul C. Mendelowitz, M.D.
Board President

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

Keith E. Fraser, M.D.

Consented to as to form.

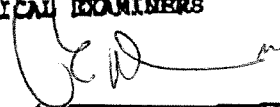
David Adelson, Esq.
Attorney for Respondent

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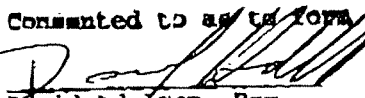
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1-7-09