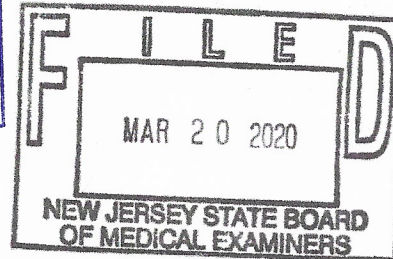


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STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 BOARD OF MEDICAL EXAMINERS & DRUG
 CONTROL UNIT

IN THE MATTER OF THE LICENSE TO :
 PRACTICE MEDICINE AND SURGERY AND :
 NJ CDS REGISTRATION OF : Administrative Action
 :
 BARRY S. SLOAN, D.O. : FINAL CONSENT ORDER
 License No. 25MB05352100 :
 NJ CDS Registration No.: D06431700 :
 :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") and Paul Rodriguez, Acting Director of the Division of Consumer Affairs ("Acting Director") upon receipt of information that Barry S. Sloan, D.O. ("Respondent"), License No. 25MB05352100, New Jersey Controlled Dangerous Substances Registration No. D06431700 was engaged in the indiscriminate prescribing of Controlled Dangerous Substances ("CDS") without legitimate medical purpose in violation of N.J.S.A. 45:1-21(m)

and/or N.J.S.A. 24:21-12(a)(3) (specifically, the failure to maintain effective controls against CDS diversion pursuant to N.J.A.C. 13:45H-7.4). Additionally, the Board learned that Respondent engaged in gross negligence, gross malpractice, and/or gross incompetence which endangered the life, health, welfare, and safety of his patients and the public at large, in violation of N.J.S.A. 45:1-21(c).

Specifically, on or about July 27, 2016, the U.S. Department of Justice, Drug Enforcement Administration filed an Order to Show Cause and Immediate Suspension of Registrations against Respondent. Respondent surrendered his DEA registrations, BS3987940 and FS5008188.

On or about July 29, 2016, the Enforcement Bureau of the Division of Consumer Affairs ("EB") conducted an inspection and investigation of Respondent's medical office located at 2035 Hamburg Turnpike, Suite G, Wayne, New Jersey 07470.

On or about November 21, 2016, Respondent surrendered his New Jersey CDS Registration.

On June 26, 2018, Respondent was indicted by the Supreme Court of the State of New York for Manslaughter in the Second Degree in violation of PL § 125.15(1); Reckless Endangerment in the First Degree in violation of PL § 120.25; Criminal Sale of a Prescription

for a Controlled Substance in violation of PL § 220.65; Criminal Sale of a Prescription for a Controlled Substance or of a Controlled Substance by a Practitioner or Pharmacist in violation of PL § 220.65(1); Health Care Fraud in the Third Degree in violation of PL § 177.15; and Falsifying Business Records in the First Degree in violation of PL § 175.10.

On July 31, 2018, Respondent voluntarily surrendered his New Jersey medical license, to be deemed a temporary suspension of license pending disposition of the criminal charges in New York and until further Order of the Board.

On August 29, 2018, Respondent was issued a Complaint-Summons in New Jersey for Distribution of Prescription Legend Drugs in the Second Degree in violation of N.J.S.A. 2C:35-10.5(4); Distribution of a Controlled Dangerous Substance in the Third Degree in violation of N.J.S.A. 2C:35-5A(1); Money laundering, illegal investment, crime in the Second Degree in violation of N.J.S.A. 2C:21-25A; Failure to Pay New Jersey Income Tax in the Third Degree in violation of N.J.S.A. 54:52-9A; and Failure to File a New Jersey Income Tax Return in the Third Degree in violation of N.J.S.A. 54:52-8.

On or about August 13, 2019, Respondent pled guilty in New York to one count of Manslaughter in the Second Degree in violation

of PL § 125.15(1); four counts of Reckless Endangerment in the First Degree in violation of PL § 120.25; three counts of Criminal Sale of a Prescription for a Controlled Substance or of a Controlled Substance by a Practitioner or Pharmacist in violation of PL § 220.65(1); two counts of Criminal Sale of a Prescription for a Controlled Substance in violation of PL § 220.65; and one count of Health Care Fraud in the Third Degree in violation of PL §177.15.

On October 8, 2019, Respondent pled guilty in New Jersey to one count of Distribution of Prescription Legend Drugs in the Second Degree in violation of N.J.S.A. 2C:35-10.5(4). As part of his plea, Respondent agreed to forfeit his license to practice medicine.

Respondent was sentenced in New York to an aggregate minimum sentence of three years, five months and two days in state prison. His aggregate maximum sentence is nine years. On November 15, 2019, Respondent was sentenced in New Jersey to four years in prison, with the sentence to run concurrent to his sentence in New York. This sentence was conditioned upon the revocation of his New Jersey medical license.

As a result of his guilty pleas in New York and New Jersey, the Board finds that Respondent has been convicted of crimes involving moral turpitude and which relate adversely to the practice of medicine in violation of N.J.S.A. 45:1-21(f). The Board

also finds that Respondent engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person; repeated acts of negligence; acts of professional misconduct; and indiscriminate prescribing of CDS, in violation of N.J.S.A. 45:1-21(c), (d), (e), (m) and (h), specifically N.J.A.C. 13:35-7.6, and is therefore subject to revocation. The Board also finds that Respondent lacks good moral character which is an underlying foundation for licensure pursuant to N.J.S.A. 45:9-37.61. These violations provide the basis for action against Respondent's license to practice Medicine and Surgery in New Jersey. Furthermore, prescribing CDS without a legitimate medical purpose is a violation of N.J.A.C. 13:45H.7.4 which provides the basis under N.J.S.A. 24:21-12(a) (3) for the Director to suspend or revoke Respondent's New Jersey CDS registration.

The parties being desirous of resolving this matter and the Board being satisfied that the entry of the within Final Consent Order obviates the need for formal proceedings, and being further satisfied that the within Final Consent Order is adequately protective of the public health, safety, and welfare, and that good cause exists to support entry of this Order,

IT IS, THEREFORE, ON THIS 20th DAY OF MARCH, 2019,

ORDERED AND AGREED THAT:

1. Respondent, Barry Sloan, D.O., License No. 25MB05352100 hereby surrenders his license to practice medicine and surgery in the State of New Jersey, with such surrender to be deemed a permanent revocation.

2. Such revocation shall be with prejudice, and Respondent shall not re-apply for his license to practice medicine and surgery in New Jersey at any future time.

3. Respondent shall continue to refrain from the practice of medicine and surgery in the State of New Jersey, including the issuance of any prescriptions for, or dispensation of, medications of any kind. Any practice of medicine or surgery in this State in violation of this Final Consent Order shall constitute unlicensed practice.

4. Respondent shall not charge, receive or share in any fee for professional services rendered by others.

5. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey.

6. Respondent shall divest himself from current and future financial interest in or benefit derived from the practice of

medicine, including but not limited to the provision of healthcare activities taking place at 2035 Hamburg Turnpike, Suite G, Wayne, New Jersey 07470, Respondent's former medical office.

7. Respondent's New Jersey CDS Registration, pursuant to the authority of the Acting Director under N.J.S.A. 24:21-9 et seq., is permanently revoked. This CDS Registration revocation is independent of any action taken by the Board, the United States Drug Enforcement Administration ("DEA") or any other law enforcement or licensing authority. A copy of this Final Consent Order, signed by the Director, will be filed with the Division's Drug Control Unit.

8. The revocation of Respondent's CDS Registration shall be with prejudice and Respondent shall not seek a CDS registration in New Jersey at any future time.

9. Pursuant to N.J.S.A. 24:21-12(f), the Acting Director shall promptly notify the Drug Enforcement Administration ("DEA") of the entry of this Final Consent Order.

10. The entry of the within Order is without prejudice to the further investigation and/or prosecution of the pending matters and/or any violations by Respondent of any statutes or regulations governing medical and surgical practice in the State of New Jersey or any other violations of law, by the Board, the Attorney General,

the Drug Control Unit, the Acting Director of the Division of Consumer Affairs or any other regulatory or law enforcement agency.

11. Nothing herein shall preclude the Board from initiating further disciplinary action based upon Respondent's conduct, whether or not relating to the allegations above.

12. Respondent shall comply with the Directives Applicable to Any Medical Board Licensee who is Disciplined or Whose Surrender of Licensure or Cessation of Practice has been Ordered or Agreed Upon which is attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS




By:

METZGER, Scott E., M.D.

Scott E. Metzger, M.D.
Board President

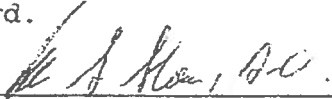
NEW JERSEY DIVISION OF
CONSUMER AFFAIRS



By:

Paul R. Rodríguez
Acting Director

I represent that I have carefully read and considered this Order, understand its terms, agree to comply with said terms and consent to the entry of the Order by the Board.

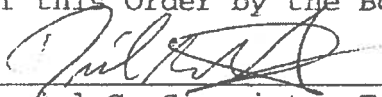


Barry S. Sloan, D.O.

Dated:

3/15/2020

Consent to form of Order and to the entry of this Order by the Board.



Daniel G. Giaquinto, Esq.
Counsel for Dr. Sloan

Dated:

3/19/20