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FILED
 OCT 30 2019
 NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS

FILED
 OCT 29 2019
 DRUG CONTROL UNIT

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

IN THE MATTER OF THE SUSPENSION	:	
OF THE LICENSE TO PRACTICE	:	Administrative Action
MEDICINE AND SURGERY AND	:	
NJ CDS REGISTRATION OF	:	
	:	FINAL CONSENT ORDER
STEVEN A. GORCEY, M.D.	:	
License No. 25MA05581300	:	
NJ CDS Registration No. D05393200	:	

This matter was recently opened to the New Jersey State Board of Medical Examiners (the "Board") and Paul R. Rodríguez, Acting Director of the New Jersey Division of Consumer Affairs (the "Director") upon receipt of a complaint alleging indiscriminate prescribing of Controlled Dangerous Substances ("CDS") by gastroenterologist Steven A. Gorcey, M.D. (the "Respondent"), License No. 25MA05581300, New Jersey CDS Registration No. D05393200. An investigation of the matter resulted in admissions by the Respondent and confirmation that he had indiscriminately prescribed narcotics to relatives and also took blank

CERTIFIED TRUE COPY

prescriptions from another physician to prescribe CDS to himself.

The Board found that Respondent engaged in repeated acts of dishonesty and fraud, repeated acts of negligence, repeated professional misconduct and indiscriminate prescribing of CDS, in violation of N.J.S.A. 45:1-21(b), (d), (e), (m) and (h), specifically N.J.A.C. 13:35-7.6. Respondent also has a present incapability and impairment in performing his duties as a physician in violation of N.J.S.A. 45:1-21(i) and (l). 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.

Respondent agreed to the temporary suspension of his medical license in an Interim Consent Order filed by the Board on June 14, 2019. Respondent's medical license has been suspended since that time.

The parties being desirous of resolving this matter without the necessity of further proceedings, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same and has availed himself of the advice of counsel and the Board and the Director finding the within disposition adequately protective of the public health, safety, and welfare and for good cause shown,

IT IS, therefore on this 28 day of October, 2019

ORDERED AND AGREED THAT:

1. Respondent, Steven A. Gorcey, M.D., License No. 25MA05581300, shall continue to be suspended from practicing medicine and surgery in the State of New Jersey. Respondent's suspension shall be deemed an active suspension of at least six months, retroactive to June 14, 2019.

2. Respondent's suspension shall continue until January 1, 2020. This restoration date is contingent upon Respondent's compliance with the Professional Assistance Program of New Jersey ("PAPNJ"), which includes drug screens negative for all psychoactive substances for which he is not legitimately prescribed.

3. The period of suspension shall be tolled for any length of time that Respondent practices in another jurisdiction.

4. Respondent shall continue to cease and desist all patient contact including, but not limited to, seeing, examining, treating or otherwise offering medical services at any location in New Jersey. This limitation shall specifically include the issuance of any prescription for, or dispensation of, medications of any kind within the State of New Jersey including but not limited to Controlled Dangerous Substances.

5. Respondent shall not charge, receive or share in any fee

for professional services rendered by others. Respondent shall be permitted to collect accounts receivables with respect to professional services that he rendered prior to the date of the filing of the Interim Consent Order.

6. Respondent shall not enter the premises of his former medical practice during business hours or at any time when patients may be present.

7. During the period of suspension, Respondent continues to be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities in the State of New Jersey.

8. Prior to any restoration of his license, Respondent shall, at a minimum, undertake the following:

a. Continue to participate in the PAP and comply with the requirements of the program which shall include but not be limited to:

1. Comply with a substance abuse treatment program as recommended and approved by the PAP as well as any and all recommendations made by that program for ongoing treatment;

2. Abstain from the use of all psychoactive substances, including alcohol and medications containing alcohol, unless prescribed by a treating physician for a documented medical condition, with notification from Respondent's treating physician to the PAP of the diagnosis, treatment plan, prognosis and medications prescribed;

3. Comply with random drug screens for the duration of his substance abuse treatment on

a frequency as determined by the Executive Medical Director of the PAP;

4. Comply with face to face follow up meetings with the PAP on a frequency as determined by the Executive Medical Director of the PAP;

5. Sign releases with his treating physicians and counselors in order that the PAP may ascertain his level of compliance and progress with treatment.

b. Obtain a report from the PAP, dated no earlier than December 12, 2019, addressing Respondent's readiness to re-enter the practice of medicine with specific attention to whether he is then suffering from any impairment or limitation resulting from the use of alcohol or any drug which could affect his practice; and detailing the nature and extent of his involvement with that entity, and whether he has abided by the recommendations made by the PAP.

9. Prior to resumption of practice, Respondent shall have one of his practice partners, approved by the Board, agree to supervise and monitor his work for at least one year. This monitoring includes, at a minimum, conducting a medical record review, of no less than twenty patient charts over the course of each month, for appropriateness of CDS prescribing (once Respondent's CDS registration has been reinstated), proper documentation and compliance with Board regulations. The monitor shall choose the patients whose charts he/she will review. The monitor shall submit reports directly to the Medical Director of the Board on a quarterly basis. The monitor shall provide immediate written notification to the Board in the event that:

(1) Respondent fails to provide the monitor with the requested medical records within two (2) days of their request, (2) the monitor determines that Respondent's prescribing is an imminent danger to the patient or the public or (3) the monitor is no longer able to continue in his/her role. The monitor shall sign and provide a copy of this Order to the Medical Director of the Board indicating understanding of his/her responsibilities. Respondent shall be solely responsible for all costs associated with the monitor's duties.

10. In the event that the approved monitor (and/or any successor Board approved monitor) ceases, for any reason, to serve as Respondent's approved monitor, Respondent shall immediately secure a replacement Board approved monitor.

11. Respondent's New Jersey CDS registration shall continue to be actively suspended for one year, from the date of the initial Interim Consent Order, until June 14, 2020.

12. Respondent's New Jersey CDS registration shall be restored to him on June 14, 2020, provided that he has an active medical license in New Jersey and he has successfully completed a Board approved course in CDS prescribing. "Successful completion" of the required course means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. The required coursework

is in addition to the regularly required continuing medical education ("CME") hours and may not be counted towards satisfying CME obligations. Respondent shall bear the cost of the course.

13. Respondent shall reimburse the Board for its investigation costs and attorney fees totaling \$20,834.45, pursuant to N.J.S.A. 45:1-25(d).

14. Respondent shall satisfy the full amount owed of \$20,834.45 within ten days of the filed date of this Order. All payments shall be made by bank check, money order, wire transfer or credit card payable to the State of New Jersey, and forwarded to William Roeder, Executive Director, New Jersey Board of Medical Examiners, P.O. Box 183, Trenton, NJ 08625-0183. If a form of payment is presented other than the form of payment noted above, it will be rejected and will be returned to the Respondent.

15. For any costs not paid in full within 10 days of the entry of this Order, a Certificate of Debt reflecting the \$20,834.45 currently due and owing shall be filed with the New Jersey Superior Court.

16. In addition but not in lieu of the filing of the Certificate of Debt, Respondent may pay the full amount owed in equal monthly installments of \$578.73 over the course of thirty-six months. Each payment shall be due on the first business day of each month, commencing on December 2, 2019. In the event that

a monthly payment is not received within five days of its due date, the entire balance shall become due and owing. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11.

17. If not already done so, Respondent shall return his original New Jersey license, current biennial registration and CDS registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183.

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

19. The entry of this Final Consent Order is without prejudice to further action, investigation, and prosecution by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any terms of this Order, the Board reserves the right to bring further disciplinary action.

20. Pursuant to N.J.S.A. 24:21-12(e), Respondent shall continue to keep under seal all prescription pads and any and all

CDS in his possession, except for any CDS Respondent possesses for personal use pursuant to a duly issued prescription. Respondent's prescription pads and CDS shall remain under seal until June 14, 2020 provided that at that time he has an active license to practice medicine in New Jersey.


21. Respondent shall be subject to an Order of Automatic Suspension of his license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Respondent failed to comply with any of the conditions set forth in this Order, including but not limited to a report of a confirmed positive drug screen, or a prima facie showing of use of alcohol or drugs.

22. Respondent shall have a right to apply for removal of the automatic suspension on fifteen (15) days' notice to the Board and the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be effective immediately and subject to ratification of the full Board at its next scheduled meeting. In a hearing seeking removal of the automatic suspension, any confirmed positive drug screen shall be presumed valid.


23. Respondent shall comply with the terms of 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," attached hereto and made a part hereof.


NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 
Otto F. Sabando, D.O., F.A.C.O.E.P., F.A.C.E.P.
Board Vice President

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

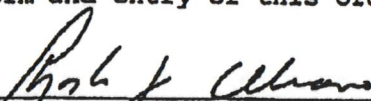
By: 
Paul R. Rodriguez,
Acting Director

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

 M.D.
Steven A. Gorcey, M.D.

10/24/19
Date

Consent is hereby given as to the form and entry of this Order.

 Esq.
Charles Uliano, Esq.
Chamlin, Rosen, Uliano and Witherington
Attorney for Steven A. Gorcey, M.D.

10/27/19
Date

**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**

APPROVED BY THE BOARD ON AUGUST 12, 2015

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply when a licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension, surrender or cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order

is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. In situations where the licensee has been subject to the order for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is (suspended), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee subject to the order shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice.¹ The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board order.

¹ This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended or who is ordered to cease practice for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following the entry of the order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that (during the three (3) month period) immediately following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. If the licensee has a website, a notice shall be posted on the website as well.

At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

6. Payment of Civil and Criminal Penalties and Costs.

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website.

See <http://www.njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A.45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.