

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs

vs.

Gerald B. Applegate, M.D.  
Respondent

:  
:  
:  
: Docket No. 0241-49-03  
: File No. 01-49-04549  
:  
:  
:

PROHIBITION  
JUL 11 2004  
10:30 AM

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.
2. At all relevant and material times, **Gerald B. Applegate, M.D.** ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, license number MD-029271-E.
3. Respondent admits that the following facts are true:
  - a. Respondent's license is current through December 31, 2004, and may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.
  - b. Respondent's last known address on file with the Board is Town Centre, Suite 208, 10475 Terry Highway, Wexford, PA 15090.
  - c. Respondent last practiced at Wexford, PA.
  - d. Respondent is married to Karen Applegate.
  - e. During the period from July 7, 1999 to July 20, 2001, Respondent prescribed controlled substances for Karen Applegate on eight-six (86) occasions.

f. A summary list of the prescriptions for Karen Applegate from July 7, 1999 to July 20, 2001 is attached as **Exhibit 1** and incorporated herein.

g. The prescriptions noted in paragraph 3.e. and 3.f. above were filled at eight (8) different pharmacies. (See **Exhibit 1**).

h. Respondent did not maintain medical records for the circumstances under which any of the prescriptions noted in paragraph 3.e. and 3.f. above were written.

i. 49 Pa. Code §16.92(a) states that,

a. "A person licensed to practice medicine and surgery in this Commonwealth...when prescribing, administering or dispensing controlled substances, shall carry out, or cause to be carried out, the following minimum standards:"

(4) Medical Records "... certain information shall be recorded in the patient's medical record on each occasion when a controlled substance is prescribed, administered or dispensed. This information shall include the name of the controlled substance, its strength, the quantity and the date it was prescribed, administered or dispensed. On the initial occasion when a controlled substance is prescribed, administered or dispensed to a patient, the medical record shall also include a specification of the symptoms observed and reported, the diagnosis of the condition for which the controlled substance is being given and the directions given to the patient for the use of the controlled substance. If the same controlled substance continues to be prescribed, administered or dispensed, the medical record shall reflect changes in the symptoms observed and reported, in the diagnosis of the condition for which the controlled substance is being given and in the directions given to the patient."

4. The actions of Respondent, described above, violated the Act at 63 P.S. §422.41(6) in that Respondent violated 49 Pa. Code §16.92(a)(4) by failing to maintain medical records when prescribing controlled substances for Karen Applegate on 86 occasions.

5. The participants consent to issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(6) in that Respondent violated the Board Regulation at 49 Pa. Code §16.92(a)(4) by failing to maintain medical records when prescribing controlled substances for Karen Applegate on 86 occasions.

b. Respondent shall pay a **CIVIL PENALTY** of five thousand dollars (\$5,000) by cashier's check, certified check, U.S. Postal money order or attorney's check, made payable to "Commonwealth of Pennsylvania." Respondent shall return the full civil penalty with the signed Consent Agreement.

c. Respondent's license, number MD-029271-E, is **SUSPENDED** for a period of 90 days, which is immediately **STAYED** in favor of **PROBATION** for a period of 90 days from the date of the Order adopting this Consent Agreement, subject to the following terms and conditions:

**GENERAL**

(1) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice. Provided, however, summary traffic violations shall not constitute a violation of this Order.

(2) Respondent shall at all times cooperate with the Bureau of Professional and Occupational Affairs ("Bureau"), any of its agents or employees and the Bureau of Enforcement and Investigation ("BEI") and its agents and employees, in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Order, including Respondent causing to be submitted at his own expense written reports, records and verifications of actions that may be required by the Bureau, BEI or any of its agents or employees.

(3) Respondent's failure to fully cooperate with and successfully comply with the terms and conditions of this probation shall be deemed a violation of this Consent Agreement and Order.

(4) Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order.

(5) Respondent may not be absent from the Commonwealth of Pennsylvania for any period exceeding twenty (20) days unless Respondent seeks and receives prior written permission from the Prosecuting Attorney, subject to any additional terms and conditions required by the Prosecuting Attorney.

(6) Respondent shall notify BEI, in writing, within twenty (20) days of the filing of any criminal charges, the initiation of any other

legal action pertaining to the practice of Respondent's profession, the initiation, action, restriction or limitation relating to Respondent by the professional licensing authority of any state or jurisdiction, or the Drug Enforcement Agency of the U.S. Department of Justice, or any investigation, action, restriction or limitation relating to Respondent's privilege to practice the profession.

(7) Respondent shall notify BEI by telephone within 72 hours and in writing within ten (10) days of the change of his home address, phone number, place(s) of employment and/or practice.

d. Respondent shall enroll in and successfully complete a course in the proper prescribing of controlled dangerous substances given by the University of Medicine and Dentistry of New Jersey (UMDNJ), or a course equivalent thereto within one (1) year of the effective date of this order. The information concerning UMDNJ's course is attached as **Exhibit 2**.

e. Respondent shall complete a continuing medical education course for the maintenance of medical records within one (1) year of the date of this order.

f. Proof of the successful completion of paragraph 5.d. and e. above shall be sent to:

Prosecuting Attorney  
State Board of Osteopathic Medicine  
P. O. Box 2649  
Harrisburg, PA 17105-2649

g. Failure of Respondent to complete the required courses described in paragraph 5.d. and e. above within one (1) year from the effective date of this order

shall result in the indefinite suspension of Respondent's license, number MD-029271-E, until Respondent has completed the required courses.

h. A **VIOLATION** of the terms or conditions of this Consent Agreement and Order shall result in the **IMMEDIATE VACATION** of the STAY Order, **TERMINATION** of the period of PROBATION, and **ACTIVATION** of the entire period of SUSPENSION of Respondent's license to practice the profession in the Commonwealth of Pennsylvania under the procedure delineated in **Exhibit 3**.

i. Upon successful completion of probation, Respondent may petition the Board to reinstate Respondent's license to unrestricted, non-probationary status upon an affirmative showing that Respondent has complied with all terms and conditions and that Respondent's resumption of unmonitored practice does not present a threat to the public health and safety.

j. This case shall be deemed settled and discontinued upon the Board's adoption of the Consent Agreement.

k. This Order shall take effect immediately upon the Board's adoption of the Consent Agreement.

6. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

10. This Agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever, concerning this Agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

B. A. Cero  
Benjamin A. Cero  
Prosecuting Attorney  
Department of State

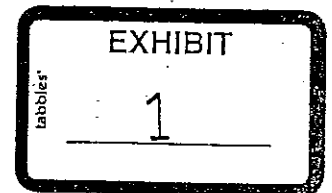
Gerald B. Applegate M.D.  
Respondent

DATED: 2/18/04

DATED: FEBRUARY 18, 2004



Date	Drug	Schedule	Amount	Refills	Telephone or Pad	Pharmacy
7/7/1999	Demerol 100mg	II	10	0	P	PH
7/12/1999	Phenergan 25mg		1	0	T	GE-45
	Promethazin 25mg		1	0	T	GE-45
7/12/1999	Phenergan 50mg Sup		30	0	T	GE-45
	Phenergan 50mg Tab		30	0	T	GE-45
8/7/1999	Vicodin ES Tabs	III	60	1	T	ED-12
11/16/1999	Ocutricin OPH SOL		10	0	T	GE-45
11/29/1999	Diazepam 10mg	IV	90	1	T	GE-67
12/1/1999	Demerol 50mg	II	29	0	P	PH
12/25/99	Demerol 100mg, 1ml vials	II	10	0	P	PH
	Vistaril 50mg, 1ml vials		10	0	P	PH
1/22/2000	Demerol 100mg, 1ml vials	II	5	0	P	PH
2/3/2000	Diazepam 10mg	IV	90	0	T	GE-45
2/3/2000	Meperidine 50mg/ml vial	II	30	0	T	FP
2/3/2000	Meperidine 50mg/ml vial	II	30	0	P	FP
2/15/2000	Meperidine 50mg/ml vial	II	30	0	P	FP
2/16/2000	Percocet 10-650mg	II	30	0	P	GE-45
2/16/2000	Percocet 10-650mg	II	30	0	P	GE-45
2/16/2000	Hydroxyzine 50mg/ml vial		10	0	P	FP
2/16/2000	Hydroxyzine 50mg/ml vial		10	0	T	FP
2/17/2000	Valium 5mg/ml vial	IV	10	0	T	FP
2/17/2000	Zofran 2mg/ml vial		20	0	T	FP
2/17/2000	Valium 5mg/ml vial	IV	10	0	T	FP
	D.H.E.45 1mg/ml Ampul		10	0	T	FP
	Zofran 2mg/ml vial		20	0	T	FP
2/18/2000	Meperidine 50mg/ml vial	II	30	0	P	FP
2/23/2000	Hydroxyzine 50mg/ml vial		20	0	T	FP
2/23/2000	Demerol 50mg/ml vial	II	30	0	P	FP
2/29/2000	Diphen/A Trop		60	2	T	GE-45
2/29/2000	Trazodone 50mg		60	2	T	GE-45
2/29/2000	Lorazepam 0.5mg	IV	60	0	T	GE-45
3/11/2000	Vicodin ES 7.5-750	III	90	2	T	GE-45
3/27/2000	Hydroxyzine 50mg/ml vial		10	0	T	FP
3/27/2000	Demerol 50mg/ml vial	II	30	0	P	FP
4/7/2000	Percocet 10-650mg	II	60	0	P	GE-45
4/17/2000	Librium 25mg	IV	60	0	P	PH
4/18/2000	Demerol 50mg/ml vial	II	10	0	P	PH
4/18/2000	Demerol 50mg/ml vial	II	5	0	P	PH
4/19/2000	Oxycontin 20mg	II	60	0	P	ED-12
4/20/2000	Demerol 50mg/ml vial	II	3	0	P	PH
4/28/2000	Demerol 50mg/ml vial	II	10	0	P	PH
	Vistaril 100mg/2ml vial		10	0	P	PH
5/2/2000	Vicodin ES 7.5-750	III	90	0	T	GE-67
5/14/2000	Demerol 50mg/ml vial	II	6	0	P	PH
5/25/2000	Demerol 50mg/ml vial	II	8	0	P	PH
	Vistaril 100mg/2ml vial		8	0	P	PH
6/5/2000	Demerol 50mg/ml vial	II	4	0	P	PH
	Vistaril 100mg/2ml vial		4	0	P	PH



*M. Miller*  
11/21/2002

6/7/2000	Diazepam 10mg	IV	90	0	T	GE-45
6/7/2000	Claritin-D 12Hr		20	0	T	GE-45
	Zithromax ZPK 250 mg		6	0	T	GE-45
6/9/2000	Demerol 50mg/ml vial	II	4	0	P	PH
	Vistaril 100mg/2ml vial		4	0	P	PH
6/12/2000	Demerol 50mg/ml vial	II	4	0	P	PH
	Vistaril 100mg/2ml vial		4	0	P	PH
6/16/2000	Demerol 50mg/ml vial	II	1	0	P	PH
6/16/2000	Demerol 50mg/ml vial	II	3	0	P	PH
	Vistaril 100mg/2ml vial		1	0	P	PH
6/18/2000	Demerol 50mg/ml vial	II	4	0	P	PH
	Vistaril 100mg/2ml vial		2	0	P	PH
6/21/2000	Demerol 50mg/ml vial	II	2	0	P	PH
	Vistaril 100mg/2ml vial		1	0	P	PH
6/21/2000	Demerol 50mg/ml vial	II	4	0	P	PH
	Vistaril 100mg/2ml vial		4	0	P	PH
7/19/2000	Vicodin ES 7.5-750	III	90	2	T	ED-47
7/25/2000	Demerol 50mg/ml vial	II	1	0	P	FP
7/25/2000	Demerol 50mg/ml vial	II	30ml	0	P	FP
7/25/2000	Hydroxyzine 50mg/ml vial		10ml	0	T	FP
8/12/2000	But/Asa/Caf/Cod 30mg	III	15	0	P	GE-45
8/14/2000	Fiortal w/Code 30mg	III	90	2	T	GE-45
8/25/2000	Oxycontin 20mg	II	60	0	P	GE-45
8/30/2000	Demerol 50mg/ml vial	II	6	0	P	Magee Womens Hospital
9/5/2000	Percocet 10-650mg	II	20	0	P	GE-45
9/25/2000	Ambien 10mg	IV	15	0	T	GE-45
10/19/2000	Diphenoxylate/Atr.	V	30	0	T	ED-47
	Triazolam 0.25mg	IV	40	0	T	ED-47
10/30/2000	Demerol 50mg/ml vial	II	8	0	P	Magee Womens Hospital
11/2/2000	Librium 25mg	IV	30	1	T	ED-47
	Catapres 0.1mg		40	0	T	ED-47
	Chlordiazepoxide 25mg	IV	6	0	T	ED-47
11/2/2000	Librium 25mg	IV	40	0	T	GE-45
11/2/2000	Catapres 0.1mg		40	0	T	GE-45
11/29/2000	Hydroquinone 4%		29	6	T	GE-45
	Renova 0.05%		40	6	T	GE-45
12/4/2000	Vicodin ES	III	60	0	T	ED-12
12/12/2000	Percocet 10-650mg	II	20	0	P	ED-12
12/18/2000	Vicodin ES	III	20	0	P	ED-47
	Parafon Forte Dsc		20	1	P	ED-47
12/19/2000	Vicodin ES 7.5-750	III	25	0	P	GE-45
12/26/2000	Demerol 100mg/2ml vial	II	6	0	P	PH
12/26/2000	Cephalexin 500mg		14	0	T	GE-45
12/27/2000	Halcion 0.25mg	IV	50	3	P	ED-47
1/3/2001	Valium 10mg	IV	30	1	T	ED-47
1/5/2001	Percocet 10-650mg	II	15	0	P	GE-45
1/14/2001	SSD 1%		50	0	T	GE-45
1/16/2001	Vicodin ES	III	90	3	T	ED-47
1/24/2001	Hydrocod/Hom5-1.5/5 Syp		240	3	P	GE-67
1/30/2001	Hydrocod/Hom5-1.5/5 Syp		240	2	T	GE-45
2/19/2001	Diazepam 10mg	IV	40	2	P	GE-67

*Miller*  
11/21/2002

3/6/2001	Triazolam 0.25mg	IV	30	0	P	GE-67
3/6/2001	Lonox 2.5mg	V	30	1	P	GE-67
3/6/2001	Oxycontin 20mg	II	30	0	P	GE-67
3/27/2001	Percocet 10-650mg	II	10	0	P	GE-45
4/11/2001	Hydromet		240ml	1	P	PP-02
4/12/2001	Percocet 10-650mg	II	15	0	P	ED-12
4/16/2001	Librium 25mg	IV	25	0	T	ED-47
4/17/2001	Diazepam 10mg	IV	40	3	P	ED-47
7/20/2001	Vicodin ES 7.5-750	III	90	2	P	PP-02

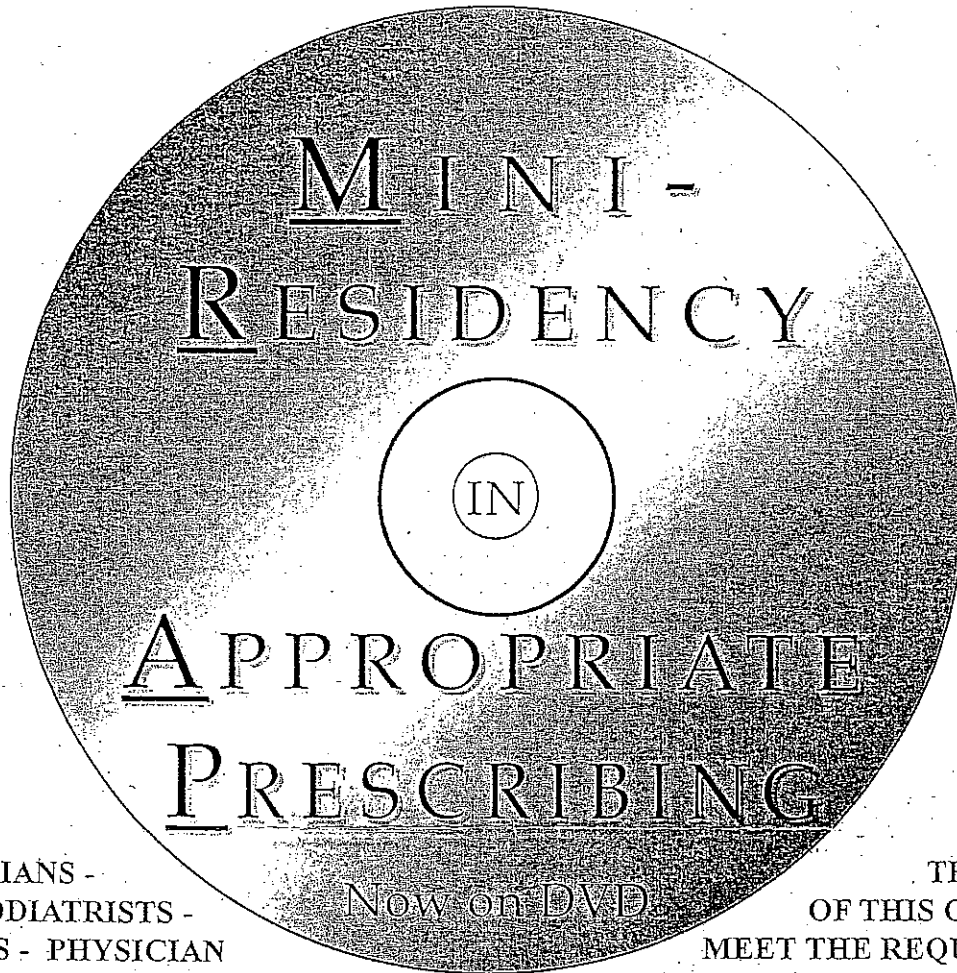
Pharmacies

Passavant Hospital	PH
Giant Eagle Pharmacy #0045	GE-45
Giant Eagle Pharmacy #0067	GE-67
Eckerd Drugs #6212	ED-12
Eckerd Drugs #6147	ED-47
Fisher's Pharmacy	FP
Pharmor Pharmacy #0002	PP-02
Magee Womens Hospital	

*mw*  
11/21/2002



**UMDNJ**  
UNIVERSITY OF MEDICINE &  
DENTISTRY OF NEW JERSEY



**FOR: PHYSICIANS -  
DENTISTS - PODIATRISTS -  
PHARMACISTS - PHYSICIAN  
ASSISTANTS - NURSE PRACTITIONERS**

**THE OBJECTIVES  
OF THIS COURSE ARE TO  
MEET THE REQUIREMENTS OF  
STATE LICENSING BOARDS AND TO:**

This 21 year old pioneer remedial education course is for healthcare providers who:

- want to upgrade their knowledge;
- have been sanctioned for injudicious prescribing, dispensing or record-keeping involving opioids and benzodiazepines;
- lack the ability to recognize abuse, addiction and patterns of manipulative behavior.

Nurse practitioners and physician's assistants may utilize this course as a basis for applying for CDS prescribing privileges

Now offered by the University of Medicine and Dentistry of New Jersey-School of Osteopathic Medicine (UMDNJ-SOM) through the Department of Family Medicine, Carman A. Ciervo, DO, FACOFP, chair, the course continues under the direction of William Vilensky, DO, RPh, FASAM, FAOAM, FAAFS.

- 1) Review existent and new federal and state mandates pertaining to the prescribing of controlled substances;
- 2) Promote the understanding of parameters of prescribing to which a provider must adhere;
- 3) Discuss appropriate methods of documenting medical records to maintain compliance with the regulations;
- 4) Increase awareness of violations and penalties in instances of insurance fraud by prescribers;
- 5) Assist the practitioner in identifying scams of the drug abuser;
- 6) Clarify issues of prescribing controlled drugs for sexual favors;
- 7) Address different biomedical ethics issues;
- 8) Help the practitioner formulate informed consent and treatment agreements.

The MRAP Disc Sets will be available October 15, 2003

**EXHIBIT**

2

tabbles

# THE NEW CONCEPT IN REMEDIAL EDUCATION:

**THE FORMAT:** For 21 years healthcare providers from 43 states and Canada have traveled to New Jersey to take this "Proper Prescribing" course. Now, due to the threat of terrorism, restricted and inconvenient travel and the state of the economy, it is more difficult to afford air travel, hotel, meals, and the fee for a 5 1/2 day course while also losing practice income.

To remedy this situation, the original course has been compressed to a minimum of 25 hours and is now available on a multi-disc set of DVDs. When played on a DVD player at home in comfort, safety and privacy, the licensee will actually hear and see the lecturer as if he/she were sitting in a classroom. The personality and inflections of the expert faculty still engage the viewer.

With each MRAP Disc Set the registrant will receive a manual and teaching tools containing all the highlights of the Microsoft PowerPoint® slides for each lecture. This can be used to review for the examination and then saved as a reference source for future questions, problems arising in practice and for patient education.

## • Advantages to the Board

- There is no conflict of interest, personnel or cost involvement to the board office.
- Statistics tabulated and published periodically.
- Sanctioned health care providers can take the course immediately.

**Copyright Note:** The University of Medicine and Dentistry of New Jersey - School of Osteopathic Medicine is the sole owner of the content of the DVDs and manual and holds the copyright thereto. Any attempt to duplicate, use or sell that content in whole or in part, except as prescribed in the course agreement is prohibited.

Violators will be prosecuted.

**THE PROCESS:** After an agreement with the board:

- The interested healthcare provider can contact the MRAP office.
- An Informed Consent and Program Agreement / registration form is sent to the licensee (copy enclosed).
- The licensee is asked to complete the form and to designate a date that he/she would like to receive the DVD set, and a day in the week after the DVDs are returned when he/she will go to a testing site professionally proctored by the Test Proctoring and Consultancy Services of the Room Rental Affiliate Network, an affiliate of the National College Testing Association, to take the exam.
- The exam date and location requested will be confirmed and the registrant will receive the dated DVD set, manual and documents.
- The DVDs can be viewed for 14 days. This allows the "licensee" to view and review some or all of the lectures - not possible in a live classroom setting.
- By the end of the 14 days the encoded and encrypted disc set must be returned to the Course Administrator at the University in the self-addressed and stamped padded envelope included with the DVD set.
- Failure to return the DVD set within 14 days of receipt will result in a letter to the licensing agency informing them of failure of the licensee to comply with the course agreement.
- The licensee will go to the selected test site to take the exam on the date specified.
- At that site the respondent will be identified by a voucher and photo identification and given the sealed written examination (previously sent to the site by MRAP).
- At the end of the two-hour exam, the examinee will seal the exam in our pre-addressed and stamped envelope and the testing site will mail it to MRAP.
- Upon receipt of the examination, the Course Director, or designee, will grade the exam electronically and report the results to the examinee, his/her attorney and the State Board.

The Passing Grade will be 70 in a 100 question examination consisting of multiple choice, matching and case presentations.

# COURSE DESCRIPTION:

When the course was initiated in 1981 as the Mini-Residency in the Proper Prescribing of Controlled Substances, a concept proposed by Dr. Vilensky to the NJ State Board of Medical Examiners, several controlled substances, i.e., amphetamines, barbiturates, anabolic steroids and stimulants were significant drugs of use and abuse. These drugs are no longer appropriate for diet control, reduction of anxiety and hypnosis or muscle enhancement.

The urgent focus is now on:

- 1) Recognition of pain and anxiety,
- 2) Appropriate history and physical examination,
- 3) Diagnosis,
- 4) Choices of treatment,
- 5) The use of non-opioid, opioid and anxiolytic substances,
- 6) The basic knowledge of pharmacology in a clinical setting,
- 7) Drug abuse with or without the combination of alcohol or other depressants, and
- 8) Medical record keeping.
- 9) Medical errors.

## COURSE TOPICS:

- 1) **Course History & Purpose and How Best to Utilize MRAP**  
William Vilensky, DO, RPh,  
FASAM, FAOAAM, FAAFS
- 2) **Pain Management - Definitions, Classification & Categories**  
William Vilensky, DO, RPh
- 3) **Controlled Substances**  
William Vilensky, DO, RPh
- 4) **Drug Dependence, Tolerance, Abuse, and Addiction**  
William Vilensky, DO, RPh
- 5) **Good & Safe Practices - Viewpoint of a State Licensing Agency**  
Joan Gelber, JD
- 6) **Opiate/Opioid Pharmacology - Mechanism, Forms, Different Types**  
William Vilensky, DO, RPh
- 7) **Pharmacological Treatment of Acute Pain**  
William Vilensky, DO, RPh
- 8) **Pharmacological Treatment of Chronic Pain**  
Ann Berger, RN, MSN, MD
- 9) **Backache**  
William Vilensky, DO, RPh
- 10) **Headache**  
Loretta Mueller, DO, FACOFP
- 11) **Anxiolytics - The Benzodiazepines**  
William Vilensky, DO, RPh
- 12) **BioMedical Ethics**  
Edmund Erde, PhD
- 13) **The Impaired Physician**  
David Canavan, M.D.
- 14) **Medical Record Keeping**  
William Vilensky, DO, RPh
- 15) **Recognizing the Drug Abuser and Addict**  
William Vilensky, DO, RPh
- 16) **Conclusions**  
William Vilensky, DO, RPh

While the multi-disc set of lectures on DVD makes up the majority of the course, additional content is found in the binder which contains printouts of each lecturers' slides, scientific and legal guidelines, titration and conversion scales, pain assesment kits, educational tools for both the physician and the patient, amongst other documents.

# FACULTY

Ann Berger, RN, MSN, MD  
Chair, Pain and Palliative Care  
National Institute of Health  
Bethesda, MD

Author:

Principles and Practice of  
Supportive Oncology  
(Berger, Portenoy, Weissman)

David Canavan, MD  
Director Emeritus  
Physicians' Health Program  
Medical Society of New Jersey  
Lawrenceville, NJ

Edmund Erde, PhD (BioEthics)  
Professor of Family Medicine  
UMDNJ- School of Osteopathic Medicine  
Stratford, NJ  
Founding Member:  
The Ethics Group, LLC  
providing the ProBE Course

Joan Gelber, JD  
Deputy Attorney General  
State of New Jersey  
(Assigned to the NJ State Board of Medical Examiners)  
Courtesy:  
Office of the Attorney General, State of NJ

Loretta Mueller, DO, FACP  
Associate Professor of Clinical Family Medicine  
UMDNJ - School of Osteopathic Medicine  
Stratford, NJ  
Associate Director:  
University Headache Center

William Vilensky, DO, RPh,  
FASAM, FAOAAM, FAAFS  
Clinical Associate Professor of Psychiatry  
UMDNJ - New Jersey Medical School  
Newark, NJ  
MRAP Course Director  
UMDNJ - School of Osteopathic Medicine  
Stratford, NJ

## REGISTRATION

**FEE:** The fee for the course in its new format is \$ 985.00. This includes viewing of the DVDs for a 14 day period, the manual of lecture content and teaching tools/documents for the enrollee to keep, testing services and processing of the examination.

A separate DVD set for licensees who are mandated to have an educational tutorial solely for Medical Record Keeping (not necessarily related to controlled substances prescribing) will be available separately for \$200.

For more information, please contact:

Lora Donia,  
MRAP Program Administrator  
UMDNJ-SOM,  
Department of Family Medicine  
40 E. Laurel Road - Suite 207  
Stratford, New Jersey 08084-1501  
Office phone: 856-566-6330  
Monday - Friday, 9:30 AM - 2:30 PM (EST)  
Office FAX: 856-566-6360 (avail. 24 hrs.)  
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Dr. William Vilensky,  
MRAP Course Director  
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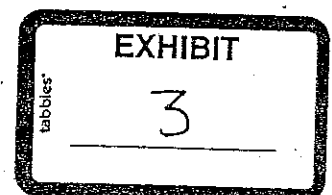
Sincere appreciation is extended to Purdue Pharma L.P. and Endo Pharmaceuticals Inc. for an educational grant to fund the purchase of electronic equipment to enable the technical production of this course.

\*\* Purdue Pharma L.P. and Endo Pharmaceuticals are not responsible for any of the lecture content.\*\*

## VIOLATION OF TERMS OF PROBATION

A violation of the terms or conditions of this Consent Agreement and Order shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the entire period of suspension of Respondent's license to practice the profession in the Commonwealth of Pennsylvania under the following procedure:

1. The prosecuting attorney for the Commonwealth shall file with the Board a petition which indicates that Respondent has violated one (or more) of the terms or conditions of this Consent Agreement and Order.
2. Upon a probable cause determination that Respondent has violated any of the terms or conditions of this Consent Agreement and Order, the Board shall, without holding a formal hearing, issue a preliminary order vacating the stay of the suspension, terminating the period of probation, and activating the entire period of suspension of Respondent's license.
3. Respondent shall be notified of the Board's Preliminary Order within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Board.
4. Within twenty (20) days of mailing of the notification of the Board's action, Respondent may answer the Commonwealth's Petition and request a formal hearing, at which time Respondent may seek relief from the Preliminary Order activating the suspension. Respondent shall serve the prosecuting attorney for the Commonwealth with a copy of the answer and all subsequent filings in this matter.





5. If a request for a formal hearing is received from Respondent, the Board shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing.
6. If Respondent files an answer and request for a hearing within the twenty (20) day period, the Preliminary Order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to Respondent after holding the formal hearing.
7. The facts and averments in this Consent Agreement and Order shall be deemed admitted and uncontested at the formal hearing.
8. If the Board after the formal hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate.
9. If a request for a formal hearing is not received from Respondent within the prescribed twenty (20) day period, the Board's Preliminary Order shall become a Final Order twenty (20) days after the date of its mailing.
10. If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to practicing the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent.

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**ORDER**

AND NOW, this 24<sup>th</sup> day of February, 2004 the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

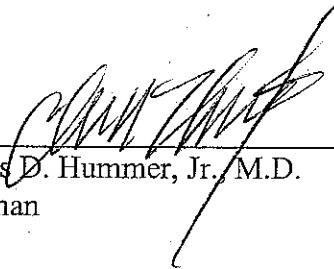
**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**



\_\_\_\_\_  
Basil L. Merenda  
Acting Commissioner



\_\_\_\_\_  
Charles D. Hummer, Jr., M.D.  
Chairman

File No.:

01-49-04549

Date of mailing:

3/3/04

For the Commonwealth:

Benjamin A. Cero, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

Larry Kerr, Esquire  
BERKS, WHITEHEAD, KERR  
115 North Main Street  
Greensburg, PA 15601

BAC/bld