

FILED

January 6, 2004

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

EFFECTIVE

November 13, 2003

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
DOCKET No.: BDSME 09434-2002N

IN THE MATTER OF THE **SUSPENSION**)
OR REVOCATION OF THE LICENSE OF:)

 Michael G. Ashkar, M.D.)
 License No. MA 43615)

TO PRACTICE MEDICINE & SURGERY)
IN THE STATE OF NEW JERSEY)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (heseinafter the "Board") by way of **Verified** Administrative Complaint filed on June 28, 2002, by David Samson, Attorney General of New Jersey, Adriana E. Baudry, Deputy Attorney **General** appearing. The Complaint and accompanying documents sought **emergent relief** by way of temporary suspension of license pursuant to N.J.S.A. 45:1-22, and **requested** disciplinary sanctions against Michael G. Ashkar, M.D. (hereinafter "Respondent") **alleging, inter alia**, violations of N.J.A.C. 13:35-6.3, N.J.A.C. 13:35-6.5(b), N.J.A.C. 13:35-7.6(a), N.J.A.C. 13:35-7.2(a), N.J.S.A. 45:9-6 and N.J.S.A. 45:1-21(b),

CERTIFIED TRUE COPY

(c), (d), (h) and (i). Respondent has denied the allegations of the Complaint rendering the matter a contested case *as* defined by N.J.S.A. 52:14b-1, et. seq.

Following a hearing on the **Attorney** General's application for **emergent relief**, the Board entered an **Order** of Temporary **Suspension** on July 17, 2002, which restricted **Respondent** from engaging in the practice of **medicine** and surgery **pending** a plenary **hearing**. Thereafter, the Board transmitted the **matter** to the Office of Administrative Law for a plenary hearing. A **hearing** was **scheduled** to **commence** on November 13, 2003, before the Honorable Joseph Fidler, A.L.J., at the Office of Administrative Law in **Quakerbridge**, New Jersey. On August 18, 2003, the **Attorney** General filed a notion for Partial Summary Decision which was decided by the Honorable Joseph F. Fidler, A.L.J. on November 12, 2003 and concluded that there were no **genuinely disputed** facts as to Counts I, II and 111 of the Verified **Complaint** or as to violations of N.J.A.C. 13:35-6(b), N.J.A.C. 13:35-7.2(a) and N.J.A.C. 13:35-7.6(a).

Respondent, being desirous of resolving the within matter without formal proceedings, and the Board finding that Respondent **engaged** in conduct violative of the aforementioned statutes and regulations and the within Order **adequately** protective of the public health, safety and welfare, for the reasons **expressed**

herein and other good cause having been shown, it is, therefore
on this 13th day of **November** , 2003

ORDERED AND AGREED THAT:

1. The **license** issued to Respondent, **Michael G. Ashkar**,
M.D. is hereby suspended for a period of **five years**, **retroactive**
to the **date** of July 17, 2002. **Said suspension shall be actively**
served for a period of two years with the remaining three years
to **be served** as a **period** of probation.

2. **Respondent shall enroll in and successfully complete** an
ethics course approved by the New Jersey State Board of Medical
Examiners within one **year** of the date of entry of this Order.
Successful completion means that all sessions **were attended**, all
assignments were properly and appropriately **completed** and a
passing **grade wa3** achieved which was unconditional and without
reservation.

3. Respondent shall enroll in and successfully **complete** a
record keeping course approved by the New Jersey **State** Board of
Medical Examiners within one year **of** the date of entry of this
Order. **Successful completion** means that all *sessions* were
attended, all **assignments** were properly and **appropriately**
completed and a **passing** grade was achieved which was
unconditional and without **reservation**.

4. **Respondent** shall participate in individual therapy

pursuant to recommendations made by the J.J. Peters Institute.

5. Respondent shall continue to be monitored by the Physician's Health Program ("PHP").

6. Respondent shall ensure that the PHP provide quarterly reports to the Board regarding Respondent's progress.

7. Respondent is assessed an aggregate civil penalty of \$20,000.00 for the offenses set forth in Counts I through IV and costs in the amount of \$7,276.00 consisting of \$5,476.00 in investigative costs and \$1,800.00 in expert fees. Respondent shall pay to the Board attorney fees pursuant to N.J.S.A. 45:1-25(d) in the amount of \$34,524.00.

8. All forms of costs and penalties totaling \$61,800.00, shall be paid ~~within ten (10) days of entry of this Order~~ at the Board Office, 140 East Front Street, P.O. BOX 183, Trenton, NJ, 08625. ~~If all of said payments have not been paid in full within~~

~~10 days of entry of the within Order,~~ ^{for the above amount} A Certificate of Debt shall be filed pursuant to N.J.S.A. 45:1-24. ^{Said schedule shall be subject to the approval of the Board following receipt of a financial statement in the form attached and tax returns for the past three years to be submitted within 10 days of the date of this Order.}

~~9. Respondent may request installment payments which shall be approved by the Board by good cause shown. In such event, Respondent shall pay investigative costs in the amount of \$5,476.00 in full within the first ten days of entry of this Order, and shall be permitted to pay the balance of debt regarding attorney fees, expert fees, and penalties in equal~~

~~monthly installments due on the first day of the month commencing~~
~~on January 1, 2004 and ending on December 1, 2004. All such~~
~~installment payments shall first be applied towards satisfaction~~
~~of attorney fees due and owing, then towards satisfaction of~~
~~costs due and owing, and then towards satisfaction of assessed~~
~~penalties-~~

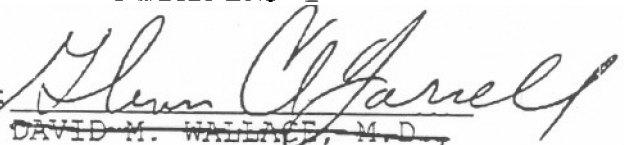
10. Interest shall accrue in accordance with Rule 4:42-11.
All payments shall be made by certified check or money order
payable to the State of New Jersey.

11. In the event that a monthly installment is not received
within five (5) days of the due date, the entire of civil
penalties, costs and fees shall become due and owing.

12. Respondent shall comply with the attached Directives
for physicians who are disciplined or whose surrender of
licensure has been accepted by the Board, which are incorporated
herein by reference.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

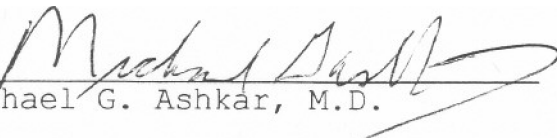
By:



~~DAVID M. WALLACE, M.D.~~
~~PRESIDENT~~

GLENN A. Farrell, ESQ
Vice - President

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


Michael G. Ashkar, M.D.

DATED: 11-13-03

Consented to as to form:

By: 
Steven I. Kern, Esq.

DATED: 11/13/03

Schedule A

#2,738 payable within ten days of execution of this order

#2,738 payable within twenty days of execution of this order

#687.50	on or before	January 1, 2004
"	"	February 1, 2004
"	"	March 1, 2004
"	"	April 1, 2004
"	"	May 1, 2004
"	"	June 1, 2004
"	"	July 1, 2004
"	"	August 1, 2004

#1,000	on or before	September 1, 2004
2,000		October 1, 2004
3,000		November 1, 2004
4,000		December 1, 2004
5,000		January 1, 2005
6,000		February 1, 2005
7,000		March 1, 2005
8,000		April 1, 2005
9,000		May 1, 2005
BALANCE		June 1, 2005

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(c), (d), (h) and (i). Respondent **has denied** the allegations of the Complaint rendering the matter a **contested case as defined by N.J.S.A. 52:14b-1, et. seq.**

Following a hearing on the Attorney General's application for **emergent** relief, the **Board** entered an Order of Temporary Suspension on July 17, 2002, which restricted Respondent from engaging in the practice of **medicine and surgery** pending a plenary hearing. Thereafter, the Board transmitted the matter to the Office of Administrative Law for a plenary hearing. A hearing was scheduled to commence on November 13, 2003, before the **Honorable Joseph Fidler, A.L.J.**, at the Office of Administrative Law in Quakerbridge, New Jersey. On August 18, 2003, the **Attorney General** filed a motion for Partial Summary Decision which was decided by the **Honorable Joseph F. Fidler, A.L.J.** on November 12, 2003 and concluded that there were no **Genuinely disputed facts** as to Counts I, II and III of the Verified Complaint or as to violations of N.J.A.C. 13:35-6(b), N.J.A.C. 13:35-7.2(a) and N.J.A.C. 13:35-7.6(a).

Respondent, being desirous of **resolving** the within matter without formal proceedings, and the Board finding that Respondent **engaged** in conduct violative of the **aforementioned** statutes and regulations and the within Order adequately protective of the public health, safety and welfare, for the reasons expressed

herein and other good cause having been shown, it is, therefore on this 13th day of November, 2003

ORDERED AND AGREED THAT:

1. The license issued to Respondent, Michael G. Ashkar, M.D. is hereby suspended for a period of five years, retroactive to the date of July 17, 2002. Said suspension shall be actively served for a period of two years with the remaining three years to be served as a period of probation.

2. Respondent shall enroll in and successfully complete an ethics course approved by the New Jersey State Board of Medical Examiners within one year of the date of entry of this Order. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed and a passing grade was achieved which was unconditional and without reservation.

3. Respondent shall enroll in and successfully complete a record keeping course approved by the New Jersey State Board of Medical Examiners within one year of the date of entry of this Order. Successful completion means that all sessions were attended, all assignments were properly and appropriately completed and a passing grade was achieved which was unconditional and without reservation.

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8. All form of costs and penalties totaling \$61,800.00, shall be paid as set forth in Schedule A, attached hereto at the Board Office, 140 East Front Street, P.O. Box 183, Trenton, NJ, 08625. A Certificate of Dabt for the above amount shall be filed pursuant to N.Z.S.A. 45:1-24. Said schedule shall be subject to the approval of the Board following receipt of a financial statement in the form attached, and tax returns for the pas', three years, to be submitted within 13 days of the date of this Order.

9. All payments shall first be applied towards satisfaction of attorney fees due and owing, then towards satisfaction of costs due and owing, and then towards

satisfaction of assessed penalties.

10. Interest shall accrue in accordance with Rule 4:42-11. All payments shall be made by certified check or money order payable to the State of New Jersey.

11. In the event that a monthly installment is not received within five (5) days of the due date, the entire of civil penalties, costs and fees shall become due and owing.

12. Respondent shall comply with the attached Directives for Physicians who are disciplined or whose surrender of licensure has been accepted by the Board, which are incorporated herein by reference.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: _____
GLENN A. FARRELL, ESQ.
VICE-PRESIDENT

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

Michael G. Ashkar, M.D.

DATED: _____

Consented to as to form:

3y: _____
Steven I. Kern, Esq.

DATED: _____

Schedule A

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\$1,000.00 on or before September 1, 2004.

\$2,000.00 on or before October 1, 2004.

\$3,000.00 on or before November 1, 2004.

\$4,000.00 on or before December 1, 2004.

\$5,000.00 on or before January 1, 2005.

\$6,000.00 on or before February 1, 2005.

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\$8,000.00 on or before April 1, 2005.

\$9,000.00 on or before May 1, 2005.

Balance on or before June 1, 2005.