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**FILED**

July 23, 2002

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Swang Oo  
Deputy Attorney General  
Attorney for Board of Medical Examiners  
(973) 648-7093

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMERS AFFAIRS

IN THE MATTER OF	:	
	:	Administrative Action
RICHARD B. MENAHSE, D.O.	:	
LICENSE NO.: MB46474	:	CONSENT ORDER
	:	
TO PRACTICE MEDICINE &	:	
SURGERY IN THE STATE OF	:	
NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Medical Examiners ("the Board") upon receipt of information concerning the care and treatment of patient A.S. and the sale of vitamins and nutritional supplements. Respondent, Richard B. Menashe, D.O. appeared before a Committee of the Board on April 25, 2001 together with his counsel Richard Tanner, Esq., and testified that he had charged a fee in violation of N.J.A.C. 13:35-7.5(h).

Respondent also testified that he had dispensed more than a seven-day supply of vitamins or nutritional supplements to patients. Since "Drug" is defined as including "a vitamin or food supplement, or any compounded combination of any of the above" (see N.J.A.C. 13:35-7.1), that was a violation of N.J.S.A. 45:9-22.11 based upon

the Board's review of this matter. Respondent has advised that he wished to resolve this matter without further proceeding.

IT IS on this 18<sup>th</sup> day of July, 2002

ORDERED:

1. Respondent has and shall continue to cease and desist from selling or dispensing vitamins and nutritional supplements, in more than seven days' supply to patients;
2. Respondent is hereby reprimanded for charging in excess of ten (10) percent over his actual acquisition cost of vitamins and nutritional supplements in violation of N.J.A.C. 13:35-7.5(h);
3. Respondent has agreed to a civil penalty in the amount of \$5,000.00 by certified check or money order to the New Jersey State Board of Medical Examiners upon entry of this Order;
4. Respondent has agreed to pay investigative costs in the amount of \$1,724.36 by certified check or money order to the New Jersey State Board of Medical Examiners upon entry of this Order;
5. Respondent shall successfully complete, at his own cost, the PROBE ethics course on or before June 1, 2003 and achieve an unconditional passing grade thereon; and

6. Respondent, notwithstanding anything contained herein, specifically reserves all rights, privileges and opportunities to dispense vitamins and nutritional supplements in accordance with the applicable law, should the Legislature, this Board or any other appropriate rule-making authority revise or modify "the seven-day rule" as set forth in N.J.S.A. 45:9-22.11, with respect to vitamins and nutritional supplements.

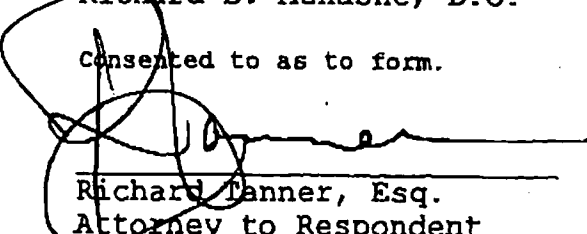
New Jersey State Board of Medical  
Examiners

By: William V. Harrer, M.D., B.L.D.  
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.

  
Richard B. Menashe, D.O.

Consented to as to form.

  
Richard Tanner, Esq.  
Attorney to Respondent