

Public

STATE OF NEW YORK DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 14-234

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IN THE MATTER  
OF  
JENNIFER MAIS, R.P.A.  
CO-14-04-2074A

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COMMISSIONER'S  
SUMMARY  
ORDER

TO: Jennifer Mais, R.P.A.  
REDACTED

The undersigned, Howard A. Zucker, M.D., J.D., Acting Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the New Jersey State Board of Medical Examiners, has made a finding substantially equivalent to a finding that the practice of medicine by **JENNIFER MAIS, R.P.A.**, Respondent, New York license number 013101, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Consent Agreement and Order, dated January 5, 2013, and allied papers, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **JENNIFER MAIS, R.P.A.** shall not practice as a physician's assistant in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice as a physician's assistant.

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.**

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in New Jersey.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the New Jersey State Board of Medical Examiners proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, RIVERVIEW CENTER, 150 BROADWAY, SUITE 510, ALBANY, NY 12204-2719, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON**

SUCH CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York

16 Sept, 2014

REDACTED

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Howard A. Zucker, M.D., J.D.  
Acting Commissioner of Health  
New York State Department of Health

Inquires should be directed to:

Jude B. Mulvey  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

copy

**FILED**

December 5, 2013

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101

APR 17 2014

By: Delia A. Delisi  
Deputy Attorney General  
Tel: (973)648-4741

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	:	Administrative Action
JENNIFER C. MAIS, P.A. LICENSE NO. 25MP00216500	:	CONSENT ORDER
TO PRACTICE AS A PHYSICIAN ASSISTANT IN THE STATE OF NEW JERSEY	:	

This matter was recently opened to the New Jersey State Board of Medical Examiners ("Board") upon the filing of a Verified Complaint and an Order to Show Cause on November 21, 2013, with a return date of December 4, 2013. The Verified Complaint charges that Respondent's, Jennifer C. Mais, P.A., continuing practice of medicine presents a clear and imminent danger to the public.

The Verified Complaint alleges, among other things, that Respondent abused controlled dangerous substances, specifically marijuana and other drugs not prescribed to her and that she continued to do so during the time period she was supposed to be complying with the requirements of the Professional Assistance Program of New Jersey ("PAP"). As alleged in the Verified Complaint, Respondent's course of conduct constitutes professional misconduct in violation of N.J.S.A. 45:2-21(s) and

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demonstrates her present incapability and impairment in performing her duties as a physician in violation of N.J.S.A. 45:1-21(i) and (j), respectively. Based on these violations, Respondent's continuing licensure presents a clear and imminent danger to the public's health, safety, and welfare warranting a temporary suspension of her license as set forth in N.J.S.A. 45:1-22.

The parties being desirous of resolving this matter, which alleges a palpable demonstration of an imminent danger to the public, without the necessity of a hearing before the Board on the Verified Complaint and Order to Show Cause, 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 the Board finding the within disposition adequately protective of the public health, safety, and welfare; and it appearing that good cause exists for the entry of the within Order;

IT IS, therefore, on this 5th day of December, 2013,

ORDERED AND AGREED THAT:

1. Respondent Jennifer C. Mais, P.A.; is hereby granted leave to voluntarily surrender her license to perform the duties of a physician assistant, which shall be deemed a temporary suspension.
2. This agreement shall be effective upon execution.
3. Respondent shall immediately return her original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183.
4. Respondent shall immediately advise the DEA of this Order, specifically the temporary surrender of her physician assistant license.

5. Respondent shall comply with the "Directives Applicable to any Medical Board Licensee who is Suspended, Revoked or Whose Surrender of License has been Accepted," attached hereto and made a part hereof.

6. Prior to any restoration of her license, Ms. Mais shall at a minimum, undertake the following:

- a. 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, whether residential or outpatient;
- b. Abstain from the use of all psychoactive substances, including alcohol and marijuana, unless prescribed by a treating physician for a documented medical condition, with notification from Ms. Mais' treating physician to the PAP of the diagnosis, treatment plan, prognosis and medications prescribed;
- c. Continue in psychiatric follow up and arrange to have her psychiatrist provide the PAP with a case summary on a monthly basis;
- d. Comply with random drug screens for the duration of her substance abuse treatment, whether residential or outpatient.
- e. Comply with face to face follow up meetings with the PAP on a monthly basis, until further Order of the Board or until the Executive Medical Director of the PAP recommends, in writing, a reduction in the frequency of these meetings;

- f. Sign releases with her treating physicians and counselors in order that the PAP may ascertain her level of compliance and progress with her treatment;
- g. After a minimum of six months of compliance, appear before the Board, or a committee thereof, to discuss her readiness to re-enter the practice as a physician assistant. At that time, Respondent shall be prepared to propose her plans for future practice in New Jersey;
- h. Provide the Board with evidence that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that she is not then suffering from any impairment or limitation resulting from the use of alcohol or any drug which could affect her practice;
- i. Provide the Board with detailed discharge summaries from any substance abuse programs and reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or treatment for the disability in this matter during the period of time from the date the within Order is filed to her appearance before the Board;
- j. Provide the Board with a report from the PAP

detailing the nature and extent of her involvement with that entity, and whether she has abided by the recommendations made by the PAF;

k. Affirmatively establish her fitness, competence and capacity to re-enter the active practice of medicine as a physician assistant within New Jersey; and

l. Provide the Board with a full account of her conduct during the intervening period of time from her entry into this Order to her appearance.

7. The parties hereby stipulate that entry of this Consent Order is without prejudice to further action, investigation, or restrictions upon any reinstatement, 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 Mais' conduct prior to the entry of this Order.

NEW JERSEY STATE  
BOARD OF MEDICAL EXAMINERS

BY:

REDACTED

George J. Scott, D.P.M., D.O.  
Board President

I have read this Order and understand the Order and agree to be bound by its terms and conditions. I hereby give consent to the Board to enter this Order.

REDACTED

Jennifer C. Mais, P.A.

12/3/13

Date

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

FILED  
November 21, 2013

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Delia A. DeLisi  
Deputy Attorney General  
Tel. (973) 648-4741

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

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :  
: Administrative Action  
JENNIFER C. MAIS, P.A. :  
LICENSE NO. 25MP00216500 : VERIFIED COMPLAINT  
:  
TO PRACTICE AS A PHYSICIAN ASSISTANT :  
IN THE STATE OF NEW JERSEY :

John J. Hoffman, Acting Attorney General of the State of New Jersey,  
by Delia A. DeLisi, Deputy Attorney General, with offices located at 124  
Halsey Street, P.O. Box 45029, Newark, New Jersey 07101, by way of Verified  
Complaint says:

GENERAL ALLEGATIONS

1. Complainant, John J. Hoffman, Acting Attorney General of New  
Jersey, is charged with enforcing the laws of the State of New Jersey  
pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate  
administrative disciplinary proceedings against persons licensed by the  
New Jersey State Board of Medical Examiners pursuant to N.J.S.A. 45:1-14  
et seq.

2. The New Jersey State Board of Medical Examiners ("Board") is  
charged with the duty and responsibility of regulating the practice of

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medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:9-1 et seq. and specifically the practice of physician assistant pursuant to N.J.S.A. 45:9-27.10 et seq.; N.J.A.C. 13:35-2B.1.

3. Respondent, Jennifer C. Mais. ("Mais"), is a physician assistant, who, at all times relevant hereto, has been licensed to practice as a physician assistant in the State of New Jersey with License Number 25MP00216500. The current status of Respondent Mais' license is Active. (Exhibit P). Respondent is currently practicing in New York and interested in obtaining employment in New Jersey. (Exhibit A, p. 11-12).

4. In May of 2013, Respondent Mais entered the Board established Alternate Resolution Program ("ARP") on the recommendation of the Professional Assistance Program of New Jersey ("PAP") pursuant to N.J.A.C. 13:35-11 et seq. Her involvement with the ARP was precipitated by her June 19, 2012 arrest for possession of controlled dangerous substances ("CDS") by fraudulently writing prescriptions for non-existent patients. Her arrest in turn resulted in her appearance on April 19, 2013 before the Physician Assistant Advisory Committee ("PAAC").<sup>1</sup> (Exhibit B). Respondent admitted during both the April 19, 2013 PAAC and the October 28, 2013 Impairment Review Committee ("IRC") that she wrote prescriptions for Oxycodone for her own use and that she had a "problem." (Exhibit A, p.23).

5. From June 21, 2013 through October 24, 2013, Respondent Mais tested positive for THC (tetrahydrocannabinol - the primary psychoactive ingredient in marijuana) no less than seven times. (Exhibits D, E, F, G, H, I and J). Respondent also tested positive for Benzodiazepines, not prescribed to her, since August 2013. (Exhibits A, p.15, 17, P, G, H and

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<sup>1</sup> Respondent pleaded guilty to a lesser charge of Disorderly Conduct. (Exhibit C).

I). Respondent admitted to this use despite her ongoing involvement with ARC. (Exhibit A, p.15, 17, 19, 20-22, 27). On October 25, 2013 Respondent tested positive for Amphetamines. (Exhibit K).

COUNT 1

1. Complainant repeats the general allegations above as if fully set forth herein and incorporated by reference.

2. On or about May 7, 2013, Respondent Mais voluntarily enrolled in the PAP. This was the recommended course for her following the April 19, 2013 PAAC during which she admitted to substance abuse, specifically Oxycodone, which spurred her criminal behavior. (Exhibits L and M).

3. On or about May 20, 2013, Respondent Mais was accepted into the ARP. Under the provisions of this program, Respondent Mais is required to comply with the treatment criteria set forth by the PAP. In return for her compliance, no disciplinary action would be taken against her physician assistant license. (Exhibits M, N p.1).

4. In May 2013, pursuant to a signed letter agreement, Respondent Mais consented to comply with the PAP's treatment plan. The initial treatment plan required Respondent to maintain absolute abstinence from any psychoactive substance unless prescribed by a treating physician; continue in psychiatric follow up; continue under the care of her primary care physician; submit to twice weekly random urine screens; have monthly face-to-face meetings with a representative of the PAP; and to not seek employment in New Jersey until she has been cleared to do so by the PAAC and the PAP. (Exhibits M and N).

5. Between June 2013 and October 2013, Respondent Mais tested positive for Cannabinoids, Benzodiazepines, Oxycodone and most recently, Amphetamines. Of these drugs the only drug known to be prescribed to her was Oxycodone.

- a. On June 21, 2013, Respondent Mais submitted to a urine drug screen which yielded a positive result for Cannabinoid. (Exhibit D).
- b. On July 20, 2013, Respondent Mais submitted to a urine drug screen which yielded a positive result for Cannabinoid. (Exhibit E).
- c. On August 23, September 9, September 12, and October 4 2013, Respondent Mais submitted to urine drug screens which yielded positive results for Cannabinoid, Benzodiazepines and Oxycodone/Oxymorphone. (Exhibits F-I).
- d. On October 17, 2013, Respondent Mais submitted to a urine drug screen which yielded positive results for Cannabinoid and Oxycodone/Oxymorphone. (Exhibit J).
- e. On October 25, 2013, Respondent Mais submitted to a urine drug screen which yielded positive results for Amphetamine. (Exhibit K).

6. In August 2013, Respondent was confronted by the PAP about her positive screens for marijuana. (Exhibit M). Respondent reported she was using marijuana for her migraine headaches. (Exhibit M). Respondent, however, continued to use marijuana, testing positive for this substance as recently as October 17, 2013. (Exhibit J).

7. On or about September 16, 2013, the PAP reported Respondent Mais' failure to comply with the terms of the treatment plan to the IRC. (Exhibit M).

8. On October 28, 2013, Respondent Mais appeared before the IRC and testified under oath regarding her noncompliance with the PAP. (Exhibit A).

9. During her appearance before the IRC, Respondent Mais testified that the conduct that led to her arrest was her self-prescribing Oxycodone on her physician's prescription pad. (Exhibit A, p. 22-23).

10. During her appearance before the IRC, Respondent Mais admitted to recent marijuana use. Respondent repeated her claim that she used marijuana to "help with her migraines." Respondent testified that she felt she was using the marijuana for something that was "medically necessary" and she didn't know if this was a violation of the PAP agreement or not. (Exhibit A, p.18-19, 24).

11. During her appearance before the IRC, Respondent Mais admitted that she was not prescribed any Benzodiazepines but had taken a friend's Valium three times. (Exhibit A, p.15, 17, 20-21).

12. In addition, during her testimony before the IRC, Respondent Mais admitted that she had agreed to "absolute abstinence from all psychoactive substances" as per the PAP agreement but that she "screwed up." (Exhibit A, p.26).

13. During her appearance before the IRC, Respondent Mais admitted that she had been contacted by an orthopedic practice in New Jersey that was interested in hiring her as a P.A. Respondent testified that if

everything went well that day at the IRC she would accept this position.  
(Exhibit A, p.11-12).

14. Pursuant to N.J.A.C. 13:35-11.4(12), the IRC reported Respondent Mais to the Board for appropriate disciplinary review.

15. Respondent's course of conduct as alleged herein constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

16. Respondent's course of conduct as alleged herein demonstrates a present incapability, for medical and any other good cause, to discharge the functions of a licensee in a manner consistent with the public's health, safety, and welfare, in violation of N.J.S.A. 45:1-21(i).

17. Respondent Mais is presently engaged in drug use which impairs her ability to practice medicine with reasonable skill and safety in violation of N.J.S.A. 45:1-21(l).

18. Based upon the foregoing, Respondent Mais' continuing licensure presents a clear and imminent danger to the public's health, safety, and welfare, and thus merits a temporary suspension of licensure as set forth in N.J.S.A. 45:1-22.

WHEREFORE, Complainant demands the entry of an Order:

1. Imposing the temporary suspension or other limitation on the license of Respondent Mais on an emergent basis pending conclusion of a plenary hearing in this matter, pursuant to N.J.S.A. 45:1-22;

2. Suspending or revoking the license heretofore issued to Respondent Mais to practice as a physician assistant in the State of New Jersey;

3. Directing Respondent Mais to submit to any medical or diagnostic testing and monitoring, or psychological evaluation which may be required to evaluate whether Respondent's continued practice may jeopardize the public's safety and welfare in accordance with N.J.S.A. 45:1-22(f);

4. Imposing the maximum statutory civil penalties for each separate unlawful act as set forth above; in accordance with N.J.S.A. 45:1-25(a).

5. Imposing costs, including investigative costs, attorneys' fees, fees for expert and fact witness expenses, and costs of hearing including transcripts; in accordance with N.J.S.A. 45:1-25(d).

6. Directing Respondent Mais to cease and desist from the unlawful conduct proved; and

7. Directing such other and further action or relief as may be deemed necessary and appropriate by the Board to protect the public's health, safety, and welfare.

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: REDACTED  
Delia A. DeLisi  
Deputy Attorney General

Dated: November 20, 2013