

Public

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

BPMC No. 13-268

IN THE MATTER

OF

ROBERTO EPIFANIO RIVERA, M.D.
CO-12-11-5763-A

COMMISSIONER'S
SUMMARY
ORDER

TO: ROBERTO EPIFANIO RIVERA, M.D.
Bergen County Jail
160 South River Street
Hackensack, NJ 07601

The undersigned, Sue Kelly, Executive Deputy 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 State of New Jersey, Department of Law and Public Safety, Division of Consumer Affairs, Board of Medical Examiners, has made a finding substantially equivalent to a finding that the practice of medicine by **ROBERTO EPIFANIO RIVERA, M.D.**, Respondent, New York license number 144753, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order, dated January 17, 2013 and attached 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, **ROBERTO EPIFANIO RIVERA, M.D.**, shall not practice medicine 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 medicine.

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 the Respondent after the final conclusion of the New Jersey 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, SUITE 355, 150 BROADWAY, ALBANY,

NY 12204, 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

August 20²⁰¹³

REDACTED

Sue Kelly
Executive Deputy Commissioner of Health
New York State Department of Health

Inquires should be directed to:

David W. Quist
Associate Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, New York 12237
(518) 473-4282

FILED

January 17, 2013

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

<u>IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF:</u>	:	Administrative Action
	:	
	:	ORDER CONTINUING
ROBERTO RIVERA, M.D.	:	TEMPORARY SUSPENSION
License 25MA04784600	:	OF LICENSE
	:	
<u>TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY</u>	:	
	:	

This matter was initially heard before a Committee of the State Board of Medical Examiners on December 20, 2012. The Committee entered an order temporarily suspending the license of respondent to practice medicine and surgery in the State of New Jersey pending consideration by this Board of the full record of the hearing and further Order (see Order of Temporary Suspension and Report of Hearing Committee filed January 7, 2013, appended hereto and adopted in its entirety herein). The Order of the Committee, together with the record of the hearing, was presented to the full Board of Medical Examiners at its meeting of January 9, 2013 for review, so as to afford the Board an opportunity to determine whether to ratify, reject or modify the action taken by the Committee.

The full Board has reviewed the Order of the Committee and the record, and unanimously votes to ratify and adopt, in its entirety, the Order of the Committee. The Board finds the reasoning of the

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Committee, outlined at length in the Committee's order, convincingly supports the Committee's determination, and now this Board's conclusion, that a palpable demonstration has been made that respondent's continued practice would present clear and imminent danger to the public health, safety and welfare, and the concomitant conclusion that no measure short of the temporary suspension of respondent's license would be sufficient or appropriate in this case. The license of respondent Robert E. Rivera, M.D., shall therefore continue to be temporarily suspended, pending review by the Board and its further order, following the completion of plenary proceedings in this matter, for the reasons set forth at length in the Order of the Committee.

The Board has further considered the motion of Dr. Rivera to stay all further proceedings in the matter before the Board with the understanding that his license is temporarily suspended and would continue to be so suspended. Respondent sought to stay the proceedings until all criminal matters currently pending against him have been resolved. The Attorney General did not take a position on the motion. The Board has considered respondent's application before the Committee and will grant the motion so long as respondent's license remains suspended. At such time as the criminal charges currently pending against respondent are resolved, whether by dismissal, plea, jury verdict or otherwise, respondent shall no later than ten (10 days) following such resolution inform

the Board of the disposition of the charges. The stay granted herein shall automatically dissolve upon resolution of the criminal charges even absent notification by respondent.

WHEREFORE, IT IS ON THIS 17th DAY OF JANUARY 2013

ORDERED:

1. The Board adopts, in its entirety, the Order of its Committee filed on January 7, 2013 which is appended hereto and incorporated herein.

2. The license of respondent Robert E. Rivera, M.D. shall continue to be temporarily suspended, pending review by the Board following the completion of plenary proceedings in this matter and further Order of the Board.

3. Further proceedings in this matter are stayed until resolution of the criminal charges pending against respondent following his November 17, 2012 arrest in Ridgewood, New Jersey on Complaint Warrants 0251-W-2012 - 000 216, 217 and 218.

NEW JERSEY STATE BOARD OF
OF MEDICAL EXAMINERS

By: REDACTED

George J. Scott, D.O.
Board President

FILED

January 7, 2013

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

NUNC PRO TUNC

December 20, 2012

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

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
ROBERTO E. RIVERA, M.D. LICENSE NO. 25MA04784600	:	ORDER OF TEMPORARY SUSPENSION AND REPORT OF HEARING COMMITTEE
	:	
TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	:	TO THE BOARD
	:	

On December 4, 2012, Jeffrey Chiesa, Attorney General of New Jersey filed an Order to Show Cause and Verified Complaint seeking the temporary suspension of the license of Roberto E. Rivera, M.D. (hereinafter Dr. Rivera or respondent). The emergent action was in response to allegations that included that respondent created a risk of widespread injury at a residence in New Jersey by recklessly storing hazardous materials including "Nitric Acid Fuming," by possessing multiple unlicensed assault firearms, shotguns, pistols, rifles, an explosive device and four large capacity ammunition magazines, ammunition, manuals for converting a pistol and rifle into auto machine guns, by reported comments in the past about making a bomb, and by referring to violence as "the answer." By the application of the Attorney General, respondent was required to show cause why an order should not be entered temporarily suspending or otherwise limiting his license to practice medicine and surgery in this State pending final disposition of all charges in the Administrative Complaint. The return date for the Order to Show Cause was scheduled for December

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12, 2012.

The Verified Complaint in this matter alleges inter alia, in one Count, that respondent engaged in acts constituting a crime or offense involving moral turpitude or relating adversely to the practice of medicine, that respondent's conduct evidences incapacity to discharge the functions of a licensee in a manner consistent with the public's health, safety and welfare, and professional misconduct in violation of N.J.S.A. 45:1-21(e), (f) and (I), and that his continued practice of medicine and surgery constitutes a clear and imminent danger to the public, warranting temporary suspension of his license pursuant to N.J.S.A. 45:1-22. Respondent's conduct as alleged in the complaint was claimed to palpably demonstrate a clear and imminent danger to the public so as to warrant temporary suspension of his license.¹

The hearing on the State's application for temporary suspension was adjourned when the Board meeting of December 12, 2012 was cancelled. Respondent was notified of a new hearing date before a Committee of the Board at 124 Halsey Street, Newark, New Jersey on December 20, 2012, and arrangements were made to video conference the hearing at the Bergen County Jail. Deputy Attorney General Carla

¹An Answer to the Complaint generally denying the allegations of the complaint, requesting an opportunity to show cause why the Attorney General's application should be denied, claiming that none of the allegations in the complaint bear on his competency and fitness to practice and requesting an opportunity to testify, was forwarded to the Board prior to the hearing date, as was an indication respondent was unable to appear as he is incarcerated and cannot make bail.

Silva presented the case on behalf of the Attorney General. Respondent appeared pro se via video conference. Numerous documents were offered into evidence by the Attorney General¹ as more fully set forth in the Table of Exhibits attached hereto.

Initially, respondent objected at the hearing proceeding to the participation of the counseling Deputy Attorney General asserting that there existed an improper merger of counseling and prosecution functions. The Committee considered the arguments of the parties, and its longstanding position, as approved in case law,² that the Board could properly be advised by a counseling Deputy Attorney General, when a separate Deputy Attorney General is prosecuting a matter, and the Chair permitted the counseling DAG to continue.

The Attorney General argued in opening remarks that the proofs would demonstrate that respondent's impaired judgment had led to dangerous conduct, risking violence to several individuals residing in a house in which he rented a room, as well as endangered the public, and that due to his judgment his license should be

²During the proceeding the Attorney General indicated that various witnesses were referred to by initials to protect their identities including those of patients. Respondent had no objection, and an instruction was given that if anyone was inadvertently referred to by name during the hearing, initials should be substituted into the record. On certain certifications and exhibits the names of the witnesses are revealed or redaction is inadequate. As Respondent had no objection to the redaction of the identities on documents which were accepted into evidence, the State is directed to supply copies of the certifications and exhibits with proper redactions prior to any further dissemination of the materials.

¹See for example, In re Polk, 90 N.J. 550, 576 (1982).

suspended. In response, respondent asserted that the State's application was devoid of proof that patients treated by him are in any jeopardy, indeed he asserted the allegations had no bearing on his treatment of patients.

The Attorney General relied upon exhibits introduced into evidence. Some of the exhibits are: C-2, which includes a certification of clinical social worker E.C. that her client S.M. reported her tenant Roberto had nitric acid stored in a freezer in the basement, pool chemicals in the attic, and had stated "he wanted to make a bomb, but no longer wanted this" (S0031-S0032). Also included in C-3 is a description of numerous items found in a bedroom and storage area of respondent, and in the basement at 183 Union Street, Ridgewood, New Jersey upon execution of a search warrant on November 17, 2012, including chemicals, weapons, and ammunition (S0047-S0049).^{*} A police detective certified the

^{*}Chemicals in the bedroom storage area: Hydrogen peroxide 30%, glycerine, sulfuric acid, calcium hypochlorite, potassium perchlorate, Thermite and Thermite igniters and glass chemistry equipment. In the basement freezer: 2.5 liters of Nitric Acid.

Weaponry and other items found in the storage area included: one Cobray M11 pistol, an assault weapon; two large capacity magazines for Cobray M11 pistol loaded with ammunition; a stun gun; a manual for converting the Cobray M11 into a full auto machine gun; a manual for converting an AR-15 rifle into a full auto machine gun; a canister of mace; one wig; fake sideburns, one black starter pistol; assorted ammunition; one Colt Match Target AR-15-type rifle; two high capacity magazines for the Colt AR-15; one Marlin lever action rifle; two high capacity magazines for Cobray M11; assorted boxes of ammunition.

Items found in Dr. Rivera's bedroom included the following: one (1) Kahr PM40 pistol, loaded; assorted paperwork in folders marked "Revolution" and "Anarchism"; one (1) Cobray M11 9mm

chemicals found are used to produce explosives(50049).

Another exhibit entered into evidence without objection by respondent, C-4, is a certification of service of documents on respondent on November 23, 2012, which includes a statement that Dr. Rivera told the investigator that he "worked and lived out of his car, providing medical examinations in New York." C-5, an opinion and order of the United States District Court in Roberto Rivera, M.D. v. Smith, Bunshaft and Saint Vincent's Hospital-Manhattan, was entered into evidence over respondent's objection that it had not been noticed to him and was irrelevant. The State argued he was aware of it, and that the decision is relevant as he had been fired by an employer for failure to do a psychiatric evaluation, it goes to the core of his judgment which is at issue here. The document was entered as it is a public document, was represented to be the outcome of a Federal Court Complaint filed by Dr. Rivera, and respondent indicated he was "acquainted" with the document.

Following presentation of the evidence¹ the State rested.

pistol, a New Jersey Assault weapon; one (1) Mossburg pistol grip shotgun; one (1) hellfire trigger mechanism; paperwork regarding blasting caps.

¹Respondent argued and testified but presented no evidence. He also claimed he could not answer State questions due to ongoing criminal charges. Applications for temporary suspension of licensees have necessarily been heard by this Board during criminal investigations many times in the past with respondents providing documentary evidence, testimony or other defenses. While providing some testimony, respondent invoked the Fifth Amendment as to all questions touching on the criminal charges against him, including all questions regarding items removed from his bedroom or the home in which he resided, and although

Respondent then presented testimony. He noted that the criminal charges against him pertain to illegal firearms possession, improper storage of legally obtainable chemicals, possession of a stun gun, possession of four large capacity ammunition magazines and possession of an explosive device. He claimed possession of all the firearms and ammunition magazines is legal in the State of New York, where he resided up until 16 months ago; that the hazardous chemicals were stored in a safe manner including a commercial deep freeze unit in the basement and in separated containers in the attic, each clearly labeled. He denied the allegations in the criminal Complaint Warrants.

Respondent also asserted that certain of the allegations in the Complaint before the Board were inflammatory, such as those related to chemistry instruments, which are not "illegal," and those related to documents containing information on munitions and explosives, and paperwork in folders marked "revolution" and "anarchism" possession of which he asserted was protected under the United States Constitution. He also asserted that there were hearsay statements in some of the exhibits entered in evidence,⁴ including his statement allegedly made to A.M. that politics was not working and that violence was the answer. Respondent testified "These [are]

acknowledging that he worked at and was fired by St. Vincent's Hospital, as to all questions regarding whether he refused to undergo a psychiatric evaluation at the hospital's request.

⁴Hearsay is admissible in administrative proceedings
N.J.A.C. 1:1-15.5.

shades of mom and apple pie, it would seem to this Respondent." Finally respondent acknowledged living in his car, that he was "forced to live, to sleep, eat and work out of the back of one's vehicle five days a week due to financial indigency..." and claimed to "wear[s] the badge of poverty not ashamedly but proudly." Responding to allegations he had not adequately secured medications in his car from theft, he asserted all the medications were his daily medications in small quantities; and none were controlled substances.

Following his testimony, respondent argued the Medical Board does not have law enforcement powers beyond matters related to the medical well-being and safety of the citizens of New Jersey, which he alleged were not implicated by the allegations of "weapons control, antiterrorism, explosives and chemically related hazardous materials" involved in the Complaint.

On cross-examination respondent acknowledged living at the Union Street address in an attic bedroom for the last 16 months, and working in New York State for the past three or four years "where I worked and lived out of [my] car." In response to Committee questions, respondent testified that while working in New York for a variety of organizations rather than commuting, he lived in his car in the parking lot of various Planet Fitness gymnasium facilities. He woke up in the morning in a sleeping bag, ate meals out of the car, washed, shaved, put on a jacket and tie, and went

off to whatever job he had, repeating this five days per week, thereby saving on commuting costs to New Jersey from his jobs all over New York. Following this testimony, respondent concluded his presentation without entering any documentary evidence.

In its closing argument, the State argued that despite his incarceration, the doctor's continued licensure poses a clear and imminent danger to the public, because of his judgment, as demonstrated by the weaponry and chemicals and instructional materials found in his bedroom and the storage areas of his residence, and by his acknowledgment that he lived and worked out of his car 5 days per week. Dr. Rivera's judgment follows him wherever he goes including to any patient practice, should he be released from jail. The State asserted that the Board has found clear and imminent danger arises even without patient complaints such as in matters in which the Board has imposed a temporary suspension involving impairment, whether due to substance abuse or a medical condition. Finally the State argued that a physician capable of such irrational acts as those involved in this case should be temporarily suspended as his capacity for irrational conduct has not yet been properly assessed, and thus it is unsafe to leave respondent clothed with his license based upon the degree of his irrational behavior and poor judgment.

In his closing, respondent asserted due to the ongoing criminal matter, information is not available. Further respondent claimed

that we don't know whether his conduct was irrational because the Committee doesn't know why he had the materials found at his residence. Respondent asked the Committee to consider his past history in the medical profession, that he has treated thousands of patients without incident, and suggested that was a guide as to what would happen in the future. He essentially asserted that the Committee should not take his license away based on these incidents which he argued may not have been irrational as the full picture of what was occurring at the time is not yet known.

DISCUSSION

Upon review of the materials presented at this juncture, including Dr. Rivera's own statements, items taken from respondent's bedroom and storage areas, and A.M.'s' statements to police officers and her social worker, the Committee is concerned with the profound lack of judgment, and impaired cognition evidenced on the record before us. Respondent stored a virtual arsenal of weapons, ammunition and high capacity magazines, all without permits, stored dangerous unlicensed chemicals, made a reported comment to his landlady that "violence was the answer" which statement he asserted to us was like "mom and apple pie," and made references in the past to his desire to make a bomb. His conduct endangered the household in which he rented a room, as well as the general public. Although

⁷A.M. and S.M. are the same person-described by Respondent as A.S.M during the hearing.

respondent asserted a general denial to the charges, his failure to testify and answer any questions regarding the items found in his bedroom and residence may be utilized in Board proceedings to draw an adverse inference as to the maintenance of these items by respondent. See, for example, Baxter v. Palmigiano, 425 U.S. 308 (1976); Mahne v. Mahne, 66 N.J., 53, 60 (1974); State v. Merling, 216 N.J. Super. 529 (App. Div. 1987). However, even without an adverse inference, the record before us is sufficient to draw the conclusion that any practice of medicine by respondent would present an imminent danger to the public. Incredibly, Dr. Rivera, a trained physician, claims to be unaware that his actions relate in any way to his practice of medicine. A physician who has sworn in the Hippocratic Oath, to first "do no harm", stored chemicals which could cause danger by simply having a power outage and being stored in increased temperatures or incorrectly. Storing multiple assault weapons, a loaded pistol, numerous other guns and ammunition, all unlicensed, bespeaks a physician whose judgment is so impaired, that even if he had not left these items unattended in a residence shared with others while he admittedly lived and worked out of his car in another State 5 days per week for many months, we would have grave concerns.

We agree with the State that this matter involves impaired judgment on the part of Dr. Rivera which he brings with him wherever he goes, but in our view and given our medical expertise, it goes

far beyond that. A physician who maintains these items and speaks to those he lives with about the need for violence is a licensee who is in need of evaluation, assessment and possibly treatment before he can even be considered to interact with patients clothed with a license again.

The evidence before us forms a palpable demonstration of a clear and imminent danger to the public health, safety and welfare should respondent be permitted to practice medicine. There has been demonstrated such a degree of risk of violence, significant lack of judgment and impaired reasoning that coupled with the sustained nature of the scheme which gave rise to the accumulation of chemicals and weaponry at the residence he shared with others, we can have no assurance that respondent's impaired judgment will not carry over to the workplace where stressful situations are commonplace with patients and staff, such that we find no measure short of the temporary suspension of respondent's license will suffice.*

*Following announcement of the Motion and Order of the Committee, Dr. Rivera, on the understanding that his license was temporarily suspended and would continue to be so suspended upon ratification of the Committee's decision by the full Board at its January 2013 meeting, sought to stay all further proceedings in the matter before the Board until all criminal matters relating to the Board action have been resolved. The Attorney General took no position as to whether or not to proceed to plenary hearing, leaving that issue to the discretion of the Board.

Dr. Cheema, Chair of the Committee, deferred consideration of respondent's motion to postpone further proceedings to the Board.

IT IS THEREFORE ON THIS 7th DAY OF January 2013,

ORDERED: NUNC PRO TUNC THE ORAL ANNOUNCEMENT ON THE RECORD ON DECEMBER 20, 2012:

1. The license of Roberto Rivera, M.D. is temporarily suspended effective at the close of the hearing, that is on December 20, 2012. The suspension shall continue until such time as the Board considers the record including transcripts of the hearing, documents in evidence and all moving and responding papers of the proceedings before the Committee, at its next scheduled meeting, and further order of the Board.
2. Respondent shall immediately cease and desist from engaging in any practice of medicine and surgery in New Jersey, pending further order of the Board.
3. Respondent's original medical license, current biennial registration, New Jersey Controlled Dangerous Substances (CDS) registration and Drug Enforcement Administration (DEA) registration shall be surrendered to the office of the Board of Medical Examiners, 140 East Front Street, 2nd Floor, P.O. Box 183, Trenton, New Jersey 08608, pending further order of the Board.
4. This Order is subject to review and ratification, by the full Board of Medical Examiners at its next meeting currently scheduled for January 9, 2013.
5. Respondent shall comply with the Directives Regarding Licensees who have been disciplined, which is attached hereto and made a part hereof.

6. The motion of Dr. Rivera, that assuming the action of the Committee to temporarily suspend his license is ratified by the Board, all further proceedings in this matter be postponed pending the outcome of the criminal cases pending against him, is deferred and will be considered by the full Board of Medical Examiners at such time as they consider the action of the Committee.

HEARING COMMITTEE OF THE
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By REDACTED
Mehmood Cheema, M.D.
Secretary

EXHIBIT LIST

Exhibits

- C-1 Certification of Service Eugene Marchione at Bergen County Jail on Roberto Rivera, M.D., of Order to Show Cause, Verified Complaints, Certifications, Exhibits and Brief.
- C-2 Certified True Copy (redacted) of the Ridgewood Police Department Case #I201221444 Certified by Detective Douglas Williams dated November 20, 2012.
- C-3 Certified True Copy (redacted) of the application for search warrant sworn to by Detective John Straniero on November 20, 2012 attached to a letter of Bergen County Assistant Prosecutor Martin Delaney.
- C-4 Certification of Service of Christine A. Green of November 28, 2012.
- C-5 Copy of opinion and order of United States District Judge Barbara S. Jones dated January 19, 2009 in Roberto Rivera, M.D. v. Ruth E. Smith, M.D., Jess A. Bunshaft, Esq. and Saint Vincent's Hospital - Manhattan (St. Vincent's Catholic Medical Centers) Defendants.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. 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 license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation 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. 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 or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee 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 suspended 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, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must 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 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. 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 action.

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 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 licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture 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 Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

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 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. 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.

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

By: Carla M. Silva
Deputy Attorney General
(973) 648-4741

FILED
December 4, 2012
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ROBERTO E. RIVERA, M.D.
LICENSE NO. 25MA04784600

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action
ORDER TO SHOW CAUSE
NOTICE OF HEARING AND
NOTICE TO FILE ANSWER

TO: Roberto E. Rivera, M.D.

REDACTED

Bergen County Jail
160 South river Street
Hackensack, New Jersey 07601

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") by Verified Administrative Complaint, supporting documents and Exhibits, copy attached, of Jeffrey S. Chiesa, Attorney General of New Jersey, by

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CERTIFIED TRUE COPY

Carla M. Silva, Deputy Attorney General, on notice to Respondent, Roberto E. Rivera, M.D. (hereinafter "Respondent"), seeking the temporary suspension of the Respondent's license to practice medicine and surgery and for such other relief deemed appropriate, pursuant to the authority conferred on the Board by N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:1-14 et seq. and related administrative regulations. It being alleged in the Verified Complaint that Respondent has committed serious violations of the statutes and regulations governing the practice of physicians and the Uniform Enforcement Act (N.J.S.A. 45:1-14 et seq.), and it being further alleged that the continued practice of medicine by Respondent pending final disposition of the Verified Complaint represents a clear and imminent danger to the public health, safety, and welfare, in accordance with N.J.S.A. 45:1-22, accordingly, therefore, and for good cause shown,

IT IS ON THIS _____ DAY OF December, 2012

ORDERED that the Respondent, Roberto E. Rivera, M.D., either in person or by attorney, show cause before the New Jersey State Board of Medical Examiners on Wednesday, December 12, 2012 at 9:00am, at the Hughes Justice Complex, Trenton, New Jersey, why an Order should not be entered temporarily suspending his license to practice medicine and surgery in this State, and

IT IS FURTHER ORDERED that a copy of this Order, together with the Verified Complaint, Exhibits and materials in support thereof, be served upon Respondent forthwith, and

IT IS FURTHER ORDERED that Respondent shall file a response to the Order to Show Cause by December 10, 2012, said responsive papers to include a list of all potential witnesses to be presented by Respondent. Said responsive papers are to be delivered to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183, with a copy delivered on that same date to Carla M. Silva, Deputy Attorney General, Division of Law, 124 Halsey Street, 5th Floor, P.O. Box 45029, Newark, New Jersey 07101, and

IT IS FURTHER ORDERED that separate from the response to the Order To Show Cause, Respondent shall file an Answer to the charges contained within the Verified Complaint not later than Tuesday, January 8, 2013; said Answer to be delivered to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183, with a copy delivered on that same date and time to Carla M. Silva, Deputy Attorney General, Division of Law, 124 Halsey Street, 5th Floor, P.O. Box 45029, Newark, New Jersey 07101, and

IT IS FURTHER ORDERED that failure to respond to this Order to Show Cause or failure to file an Answer to the Verified Complaint or failure to appear before the New Jersey State Board of Medical

Examiners in person or through an attorney, as is herein required, will result in this matter being considered in Respondent's absence on the proofs presented and an Order may be entered against Respondent for any and all relief demanded in the Verified Complaint, and,

IT IS FURTHER ORDERED that an admission of the charges will indicate that Respondent does not wish to contest the charges stated, rendering unnecessary hearings in this matter. The case will then be presented to the State Board of Medical Examiners within thirty (30) days of the receipt of Respondent's Answer or on an adjourned date, together with any written matter that Respondent may wish to submit with the Answer in alleged mitigation of penalty, for a determination as to whether disciplinary sanctions, including suspension or revocation of Respondent's license to practice medicine and surgery or other sanctions, should be imposed and whether monetary penalties and costs should be assessed and, if so, the amount thereof, pursuant to the authority conferred on the Board by N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:1-14 et seq., and

IT IS FURTHER ORDERED that a denial of the charges will result in a formal hearing which may be conducted by the Board or by an administrative law judge, who, upon notice to Respondent, will hear the Verified Complaint and consider the imposition of disciplinary sanctions. Respondent may appear at the hearing either in person

or by attorney or both, and shall be afforded an opportunity at that time to make a defense to any and all charges.

STATE BOARD OF MEDICAL EXAMINERS

REDACTED

By: / ~~George Spitz, U.S.P.M., D.O.~~
President

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

December 4, 2012

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Carla M. Silva
Deputy Attorney General
(973) 648-4741

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
Docket No.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ROBERTO E. RIVERA, M.D.
LICENSE NO. 25MA04784600

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

VERIFIED COMPLAINT

Jeffrey S. Chiesa, Attorney General of the State of New Jersey, by Carla M. Silva, Deputy Attorney General, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey 07101, by way of Verified Complaint says:

GENERAL ALLEGATIONS

1. Complainant, Attorney General of New Jersey, is charged with enforcing the laws in 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 State Board of Medical Examiners (the "Board") pursuant to N.J.S.A. 45:1-14, et seq.

2. The Board is charged with the duty and responsibility of regulating the practice of medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:9-1, et seq.

3. Roberto E. Rivera, M.D., ("Respondent") is licensed to practice medicine and surgery in the State of New Jersey and is the holder of License No. 25MA04784600.

4. Respondent is registered with the Drug Enforcement Administration ("DEA") in the State of New Jersey and is the holder of Registration No. FR3506524.

5. Respondent is registered with the Drug Control Unit of New Jersey and is the holder of Controlled Dangerous Substances ("CDS) Registration No. D09254100.

6. Respondent is licensed to practice medicine and surgery in the State of New York and is the holder of License No. 144753.

7. Upon information and belief, Respondent does not maintain a medical office in the State of New Jersey.

8. Three Complaint-Warrants were filed on November 16, 2012 in the Ridgewood Village Municipal Court, Bergen County, New Jersey, in The State of New Jersey v. Roberto E. Rivera, Complaint Nos. 0251-W-2012-000216, 0251-W-2012-000217, and 0251-W-2012-000218 alleging that Respondent did:

- a. Recklessly create a risk of widespread injury or damage by creating a risk of serious bodily injury to five or more persons, specifically by recklessly handling or storing hazardous materials, in violation of N.J.S. 2C:17-2C, a crime of the second degree;
- b. Knowingly possess an assault firearm without being licensed under N.J.S. 2C:58-5 or registering the firearm under N.J.S. 2C:58-12 or rendering it inoperable under N.J.S. 2C:58-13, specifically by possessing a Cobray M11 9MM Serial Number 89-0067176, in violation of N.J.S. 2C:39-5F, a crime of the second degree;
- c. Knowingly possess an assault firearm without being licensed under N.J.S. 2C:58-5 or registering the firearm under N.J.S. 2C:58-12 or rendering it inoperable under N.J.S. 2C:58-13, specifically by possessing a Cobray M11 9MM Serial Number 89-0062584, in violation of N.J.S. 2C:39-5F a crime of the second degree;
- d. Knowingly possess a destructive device, specifically by knowingly having in his possession an explosive device, in violation if N.J.S. 2C:39-3A, a crime of the third degree;

e. Knowingly or recklessly failed to take reasonable measures to prevent or mitigate widespread injury or damage, specifically by recklessly handling or storing hazardous materials, in violation of N.J.S. 2C:17-2D a crime of the fourth degree;

f. Knowingly possess a stun gun, specifically by possessing a stun gun, in violation of N.J.S. 2C:39-3H a crime of the fourth degree; and

g. Knowingly possess a large capacity ammunition magazine, specifically by being in possession of four large capacity ammunition magazines, in violation of N.J.S. 2C:39-3J a crime of the fourth degree.

(Exhibit A¹ (Certification of Detective Douglas D. Williams), S0033-S0036 (Complaint-Warrants))

9. Respondent was arrested by the Ridgewood Police Department on November 16, 2012 for violation of N.J.S. 2C:17-2, Risking Widespread Injury or Damage. (Exhibit A, S0021 (Arrest Report))

COUNT I

10. The General Allegations are repeated and realleged as if set forth at length herein.

11. On or about November 16, 2012, the Ridgewood Police Department was notified that Respondent made comments to his

¹ Unless otherwise indicated, all Exhibits are attached to the Certification of Carla Silva, DAG.

roommate, A.M.², about building a bomb. The Ridgewood Police Department was also informed that Respondent stored pool chemicals in the attic of 131 North Maple Avenue in Ridgewood, New Jersey ("the residence"), a two-family home, and nitric acid in the basement freezer of the residence. (Exhibit A, S0014-S0015 (Investigation report) and S0031-S0032 (Statement of E.C.); (Exhibit B (Certification of Martin Delaney, Assistant Prosecutor), S0037-S0051 (Application for Search Warrant by Detective John Straniero))

12. On or about November 16, 2012, the Ridgewood Police Department directly contacted A.M. (Exhibit A, S0014-S0015 (Investigation Report))

13. A.M. confirmed that Respondent kept chemicals in the basement freezer. She also confirmed that Respondent stored chemicals in the attic storage area of the residence. (Exhibit A, S0014-S0015 (Investigation Report); Exhibit B, S0037-S0051)

14. Respondent and A.M. share a common living space on the second floor of the residence (kitchen and dining room), but have separate bedrooms. A.M.'s bedroom is located on the second floor and Respondent's bedroom is located on the third floor of the residence in a partially finished attic. (Exhibit B, S0037-S0051)

² The name and/or identifying information for A.M. are redacted to protect the confidentiality of the individual.

15. Within Rivera's bedroom is an access panel that leads to a portion of the attic commonly used for storage. (Exhibit B, S0037-S0051)
16. All tenants have access to the basement. (Exhibit B, S0037-S0051)
17. Respondent stores a small freezer in the basement which he purchased when he moved into the residence. Respondent frequently checked the thermometer of the freezer. (Exhibit B, S0037-S0051)
18. Respondent received a package of chemistry instruments which A.M. placed in his bedroom. (Exhibit A, S0014-S0015 (Investigation Report))
19. In discussing politics with A.M., Respondent stated that politics was not working and that violence was the answer. (Exhibit B, S0037-S0051)
20. On or about November 16, 2012, C.L., the first floor tenant of the residence, provided the Ridgewood Police Officers access to the basement. (Exhibit A, S0014-S0015 (Investigation Report) and S0016 (Supplemental Investigation Report)); (Exhibit B, S0037-S0051)
21. The Ridgewood Police Officers found a sealed five gallon bucket labeled "Nitric Acid, Fuming" stored in a freezer in the basement of Respondent's residence. (Exhibit A, S0014-

S0015 (Investigation Report) and S0016 (Supplemental Investigation Report))

22. The container labeled "Nitric Acid, Fuming" also had a Hazardous Material Warning on it and writing indicating that it held 2.5 liters of the substance. (Exhibit A, S0016 (Supplemental Investigation Report))

23. Nitric Acid, when combined with other chemicals can be used to produce an explosive device (Exhibit 9, S0037-S0051)

24. Following the execution of search warrants, the Ridgewood Police Department retrieved the following items from:

a. The residence's basement:

i. A gray Avanti freezer containing 2.5 liters of Nitric Acid.

b. Respondent's bedroom:

i. Items, including legal documents, with Respondent's name;

ii. Assorted documents containing information and articles regarding nitric acid in explosives, military improvised munitions manual, home-made explosives and how to make TATP (acetone peroxide bomb);

iii. One (1) Kahr PM40 pistol which was loaded;

iv. Assorted paperwork in folders marked "Revolution" and "Anarchism";

- v. One (1) Toshiba laptop computer;
 - vi. One (1) Western Digital removable hard drive;
 - vii. One (1) Cobray M11 9mm pistol;
 - viii. One (1) Mossburg pistol grip shotgun;
 - ix. One (1) hellfire trigger mechanism (this allows a firearm to be fired at an extremely high rate of fire); and
 - x. Paperwork regarding blasting caps.
- c. Respondent's storage area:
- i. Numerous cardboard boxes each addressed to Respondent containing:
 - 1. 300 milliliters of Hydrogen Peroxide, 30% strength;
 - 2. One (1) gallon of Glycerin;
 - 3. Three thousand milliliters (3000) of Sulfuric Acid, 98% pure;
 - 4. Twenty-four pounds of Calcium Hypochlorite (super pool shock);
 - 5. Five (5) pounds of Potassium Perchlorate;
 - 6. Ten (10) pounds of Thermite and ten (10) Thermite igniters; and
 - 7. Three (3) boxes of glass chemistry equipment.
 - ii. One (1) gallon of Acetone;

- iii. One gym type bag containing four (4) one (1) pound cylinders of propane;
- iv. One (1) Colt AR-15;
- v. Two (2) high capacity magazines for the Colt AR-15;
- vi. One (1) Marlin lever action rifle;
- vii. Two (2) high capacity magazines for the Cobray M11;
- viii. Assorted boxes of ammunition;
- ix. A black flash disk drive; and
- x. A locked black briefcase.

(Exhibit B, S0037-S0051; see also, Exhibit A, S0006-S0013 (Ridgewood Police Incident Report) and S0024-S0032 (Supplemental investigation Report))

25. The locked black briefcase located in Respondent's storage area contained the following:

- a. One Cobray M11 pistol;
- b. Two (2) large capacity magazines loaded with ammunition for the Cobray M11 pistol;
- c. A stun gun;
- d. A manual for converting the Cobray M11 into a full auto machine gun;
- e. A manual for converting an AR-15 rifle into a full auto machine gun;

- f. A canister of mace;
- g. One wig;
- h. Fake sideburns;
- i. Gloves;
- j. Nine (9) large zip ties, commonly used as restraints;
- k. One black starter pistol; and
- l. Assorted ammunition.

(Exhibit B, S0037-S0051; see also, Exhibit A, S0006-S0013 (Ridgewood Police Incident Report) and S0024-S0032 (Supplemental investigation Report))

26. No items belonging to A.M. were located in Respondent's third floor bedroom or in the attached storage room which is only accessible through Respondent's room. (Exhibit B, S0037-S0051)

27. Hydrogen Peroxide, Glycerin, Sulfuric Acid, Calcium Hypochlorite, Potassium Perchlorate, Thermite, Acetone and Propone found in Respondents' possession are precursor chemicals which are used in the production of improvised explosives. (Exhibit B, S0037-S0051)

28. Respondent had no legitimate purpose to possess the chemicals found in his possession. (Exhibit B, S0037-S0051)

29. Upon information and belief, prior to and/or while residing at 131 North Maple Avenue in Ridgewood, New Jersey, Respondent lived and worked out of his vehicle (a 2007 Nissan Xterra), providing medical examinations in Long Island, New York.

(Exhibit C (Certification of Christine A. Green, Investigator), S0052-S0053; Exhibit B, S0037-S0051)

30. The following were some of the items found in Respondent's car by the Ridgewood Police Department:

- a. One (1) ziploc bag of latex gloves;
- b. Multiple bottles of medication;
- c. One (1) blue Samsonite fabric bag containing personal and work papers;
- d. One (1) black US Luggage fabric work bag containing work related items;
- e. One (1) Van Guard bag with a red medical cross on it containing medical equipment and three (3) prescription pads bearing Respondent's name and New York License No. 144753; and
- f. One (1) small brown leather change purse containing money and five (5) unknown yellow pills and fourteen (14) unknown white round pills.

(Exhibit A, S022-S023 (Impound Report))

31. Respondent's conduct as alleged herein demonstrates that he is incapable, for medical or other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare pursuant to N.J.S.A. 45:1-21(i).

32. Respondent's conduct as alleged herein further constitutes professional misconduct and thus constitutes a basis for disciplinary sanction pursuant to N.J.S.A. 45:1-21(e).

33. Respondent's conduct as alleged herein demonstrates that he has engaged in acts constituting, crimes or offenses involving moral turpitude or relating adversely to the activity regulated by the Board and thus provides a basis for disciplinary sanction pursuant to N.J.S.A. 45:1-21(f).

34. Respondent's conduct as alleged herein palpably demonstrates that his continued practice of medicine and/or surgery in New Jersey presents a clear and imminent danger to the public health, safety, and welfare warranting the immediate temporary suspension of his license pursuant to N.J.S.A. 45:1-22.

WHEREFORE, the Attorney General of New Jersey demands the entry of an Order against the Respondent Roberto E. Rivera, M.D.:

1. For the immediate temporary suspension of Respondent's license to practice medicine and surgery in the State of New Jersey pending a full plenary hearing pursuant to N.J.S.A. 45:1-22;

2. Directing Respondent to cease and desist the practice of medicine and surgery in the State of New Jersey, pursuant to N.J.S.A. 45:1-22(c);

3. For the suspension or revocation of Respondent's license to practice medicine, and surgery pursuant to N.J.S.A. 45:1-21;

4. Imposing such limitations on Respondent's CDS registration as would be required by the Board or the Office of Drug Control;

5. Imposing penalties upon the Respondent for each separate offense set forth herein, pursuant to N.J.S.A. 45:1-22(b) and N.J.S.A. 45:1-25;

6. Imposing costs upon the Respondent, including investigative costs, fees for expert witnesses, attorney's fees and costs of hearing, such as transcript costs, pursuant to N.J.S.A. 45:1-25(d); and

7. For such other and further relief as the Board shall deem just and appropriate, including but not limited to a psychiatric evaluation.

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY

REDACTED

By:

Carla M. Silva
Deputy Attorney General

Date: December 3, 2012