



State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: www.state.oh.us/med/

June 14, 2000

Samuel L. Friedman, D.O.
610 Beverly-Rancocas Road
Willingboro, NJ 08046

Dear Doctor Friedman:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Daniel Roberts, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 14, 2000, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. Z 281 981 357
RETURN RECEIPT REQUESTED

cc: R. Kevin Kerns, Esq.
CERTIFIED MAIL RECEIPT NO. Z 281 981 358
RETURN RECEIPT REQUESTED

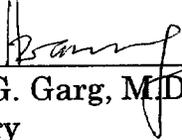
Mailed 6-15-00

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Daniel Roberts, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on June 14, 2000, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Samuel L. Friedman, D.O., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Anand G. Garg, M.D.
Secretary

JUNE 14, 2000
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

SAMUEL L. FRIEDMAN, D.O.

*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on June 14, 2000.

Upon the Report and Recommendation of Daniel Roberts, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

1. The certificate of Samuel L. Friedman, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be SUSPENDED for a period of 1 year. Such suspension is STAYED, subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least 3 years.
 - a. Dr. Friedman shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine and surgery in the state in which he is practicing.
 - b. Dr. Friedman shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Friedman shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional

license. Further, Dr. Friedman shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

- c. In the event that Dr. Friedman should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Friedman must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
- d. Dr. Friedman shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective and upon his request for termination of the probationary period, or as otherwise requested by the Board.
- e. Dr. Friedman shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
- f. At the time he submits his quarterly declarations, Dr. Friedman shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the New York, New Jersey and Pennsylvania Boards. Moreover, Dr. Friedman shall cause to be submitted to the Board copies of any reports that he submits to the New York, New Jersey, or Pennsylvania Boards whenever the New York, New Jersey, or Pennsylvania Boards requires such submission.
- g. Dr. Friedman shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation imposed by the New York, New Jersey or Pennsylvania Boards.

h. Dr. Friedman shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Friedman commence practice in Ohio, the Board may place his certificate under additional probationary terms, conditions, or limitations, including the following:

i. Dr. Friedman shall appear in person for interviews before the full Board or its designated representative within three months of the commencement of practice in Ohio, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Friedman's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Friedman shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

ii. Dr. Friedman shall provide a copy of this Order by certified mail to all employers or entities with which he is under contract to provide health care services or is receiving training, and the Chief of Staff at each hospital where Dr. Friedman has privileges or appointments. Further, Dr. Friedman shall provide a copy of this Order by certified mail to all employers or entities with which he applies or contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Friedman applies for or obtains privileges or appointments. Further, Dr. Friedman shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

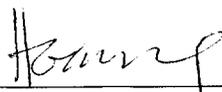
iii. If any declaration or report required by this Order is not received in the Board's offices on or before its due date, Dr. Friedman shall cease practicing medicine beginning the day following Dr. Friedman's receiving notice from the Board of non-receipt, either by writing, telephone, or by

personal contact, until the declaration or report is received in the Board offices. Any practice during this time period shall be considered unlicensed practice of medicine in violation of Section 4731.41, 4731, Ohio Revised Code.

- i. If Dr. Friedman violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
 - j. If Dr. Friedman violates probation in any respect, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
 - k. Periods of time during which Dr. Friedman's certificate to practice osteopathic medicine and surgery is inactive due to nonpayment of renewal fees will not apply to the reduction of the probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
2. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Friedman's certificate will be fully restored.

This Order shall become effective immediately upon the mailing of notification of approval by the Board.

(SEAL)



Anand G. Garg, M.D.
Secretary

JUNE 14, 2000
Date

2000 APR 25 P 4: 01

**REPORT AND RECOMMENDATION
IN THE MATTER OF SAMUEL L. FRIEDMAN, D.O.**

The Matter of Samuel L. Friedman, D.O., was heard by Daniel Roberts, Attorney Hearing Examiner for the State Medical Board of Ohio, on March 28, 2000.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated November 17, 1999, the State Medical Board of Ohio [Board] notified Samuel L. Friedman, D.O., that it had proposed to determine whether to take disciplinary action against his certificate to practice osteopathic medicine and surgery in Ohio based on a June 30, 1999, Consent Order between Dr. Friedman and the New Jersey State Board of Medical Examiners [New Jersey Board].

The Board alleged that the New Jersey Board Consent Order constitutes “[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license to practice; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;” as that language is used in Section 4731.22(B)(22), Ohio Revised Code.”

Accordingly, the Board advised Dr. Friedman of his right to request a hearing in this matter. (State’s Exhibit 1A)

- B. On December 14, 1999, R. Kevin Kerns, Esq., filed a written hearing request on behalf of Dr. Friedman. (State’s Exhibit 1B)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: R. Kevin Kerns, Esq.

EVIDENCE EXAMINED

I. Testimony Heard

None

II. Exhibits Examined

A. Presented by the State:

1. State's Exhibits 1A-1J: Procedural exhibits.
2. State's Exhibits 2: Certified copy of the June 30, 1999, Consent Order *in the Matter of Suspension or Revocation of the License of Samuel Friedman, D.O., License No. MB21345 to Practice Medicine and Surgery in the State of New Jersey*, before the New Jersey Board.

B. Presented by the Respondent:

1. Respondent's Exhibit A: March 20, 2000, Affidavit of Samuel L. Friedman, D.O.
2. Respondent's Exhibit B: Copy of the February 14, 2000, Consent Agreement Order of the New York State Board for Professional Conduct *in the Matter of Samuel L. Friedman, M.D.* This document includes and incorporates by reference a Statement of Charges on which it is based.
3. Respondent's Exhibit C: Copy of February 14, 2000, Consent Agreement and Order of the Pennsylvania State Board of Osteopathic Medicine in *Pennsylvania Bureau of Professional and Occupational Affairs vs. Samuel L. Friedman, D.O.*
4. Respondent's Exhibit D: Hearing Brief of Samuel L. Friedman, D.O. This document contains exhibits numbered 1 through 3 which are copies of Respondent's Exhibits A through C, respectively.

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. On June 30, 1999, the New Jersey State Board of Medical Examiners [New Jersey Board] entered a Consent Order reprimanding Samuel L. Friedman, D.O. The New Jersey Board Consent Order required Dr. Friedman to:

- pay investigative costs of \$1,644.31;
- pay civil penalties of \$10,000;
- stop using digital myography;
- stop delegating medical tasks in violation of Section 13:39A-2.3(a), New Jersey Administrative Code;
- complete a medical record keeping course; and
- maintain progress notes including the basis for diagnostic tests.

(State's Exhibit [St. Ex.] 2; Respondent's Exhibit [Resp. Ex.] A)

The New Jersey Board Consent Order was based on underlying acts which included Dr. Friedman having:

- failed to adequately document reasons for ordering digital myography;
- failed to adequately document reasons for the continued use of multiple modalities/physical therapy; and
- failed to properly supervise his physical therapist assistants.

(St. Ex. 2; Resp. Ex. A)

The New Jersey Board noted that Dr. Friedman had voluntarily participated in the Colorado Personalized Education for Physicians program course on September 15 and 16, 1997. (St. Ex. 2)

2. On February 14, 2000, the New York Board for Professional Medical Conduct [New York Board] filed a Consent Order based on the New Jersey action. The New York Board ordered that Dr. Friedman:

- be reprimanded and censured;
- pay a \$1,000 fine;

STATE MEDICAL BOARD
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- cease the use of digital myography as ordered by the New Jersey Board; and
- otherwise maintain appropriate registration and cooperation with the New York Board.

(Resp. Ex. B)

3. On February 14, 2000, the Pennsylvania State Board of Osteopathic Medicine [Pennsylvania Board] accepted a Consent Agreement with Dr. Friedman based on the New Jersey action. The Pennsylvania Board ordered that Dr. Friedman pay a fine of \$250 and comply with the New Jersey Board Order. (Resp. Exs. A, C, and D)
4. Dr. Friedman is licensed to practice in New Jersey, New York, Ohio, Florida, Missouri and Pennsylvania. His offices are located in Willingboro, New Jersey. Dr. Friedman conducts a family and personal injury practice. (St. Ex. 2; Resp. Ex. A)

By affidavit dated March 20, 2000, Dr. Friedman addressed the Board. Dr. Friedman stated that other than the New Jersey Board action and the Pennsylvania and New York actions which were based upon it, no other disciplinary action has been taken against him. He noted that he has been practicing medicine since 1966. Dr. Friedman stated that the conduct that gave rise to the New Jersey action occurred prior to the end of 1995. He further stated that he has not performed digital myography since approximately June 1997. Dr. Friedman noted that he had entered consent agreements with both the New York and Pennsylvania Boards based on the New Jersey action. (Resp. Ex. A)

6. By Hearing Brief submitted March 28, 2000, Dr. Friedman, through counsel, urged the Ohio Board to follow the examples of the New York and Pennsylvania Boards in determining an appropriate sanction. Dr. Friedman reiterated in his March 20, 2000, affidavit the mitigation arguments made through counsel in his Hearing Brief. He argued that mitigating factors in his case include:
 - There had been no prior disciplinary actions against Dr. Friedman except the New Jersey Consent Order.
 - There is no suggestion of dishonesty on Dr. Friedman's part.
 - The acts which underlie the New Jersey Consent Order relate to events in 1995 and earlier. The acts are unlikely to reoccur because he has completed the required record-keeping course and no longer uses digital myography.
 - He fully cooperated with the New Jersey, Pennsylvania, and New York Boards and entered consent agreements with all three boards.
 - This case does not involve physical or mental disability or impairment.
 - He successfully completed the remedial measures ordered by the New Jersey Board.

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- He is remorseful as is shown by his cooperation with the other boards.
- There was no adverse medical impact on any patient as a result of his actions.
- There was no willful or reckless conduct alleged against him.
- There are no Ohio equivalents to the specific New Jersey rules that were violated.

(Resp. Exs. A and D)

FINDINGS OF FACT

On or about June 30, 1999, the New Jersey State Board of Medical Examiners [New Jersey Board] entered a Consent Order reprimanding Samuel L. Friedman, D.O. The New Jersey Board Consent Order required Dr. Friedman to:

- pay investigative costs of \$1,644.31;
- pay civil penalties of \$10,000;
- stop using digital myography;
- stop delegating medical tasks in violation of Section 13:39A-2.3(a), New Jersey Administrative Code;
- complete a medical record keeping course; and
- maintain progress notes including the basis for diagnostic tests.

The New Jersey Board Consent Order was based on underlying acts which included Dr. Friedman having:

- failed to adequately document reasons for ordering digital myography;
- failed to adequately document reasons for the continued use of multiple modalities/physical therapy; and
- failed to properly supervise his physical therapist assistants.

CONCLUSIONS OF LAW

The June 30, 1999, Consent Order between Samuel L. Friedman, D.O., and the New Jersey State Board of Medical Examiners described in the Findings of Fact, constitutes “[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license to practice; refusal to renew or reinstate a license; imposition of probation; or issuance of an order

of censure or other reprimand"; as that language is used in Section 4731.22(B)(22), Ohio Revised Code.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of Samuel L. Friedman, D.O., to practice osteopathic medicine and surgery in the State of Ohio shall be **SUSPENDED** for a period of 1 year. Such suspension is **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least 3 years.
 - a. Dr. Friedman shall obey all federal, state, and local laws, and all rules governing the practice of osteopathic medicine and surgery in the state in which he is practicing.
 - b. Dr. Friedman shall provide a copy of this Order by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Friedman shall also provide a copy of this Order by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Friedman shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
 - c. In the event that Dr. Friedman should leave Ohio for three consecutive months, or reside or practice outside the State, Dr. Friedman must notify the Board in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
 - d. Dr. Friedman shall appear in person for interviews before the full Board or its designated representative within three months of the date in which probation becomes effective and upon his request for termination of the probationary period, or as otherwise requested by the Board.
 - e. Dr. Friedman shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of probation. The first quarterly declaration must be received in the

STATE MEDICAL BOARD
OF OHIO

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Board's offices on the first day of the third month following the month in which probation becomes effective, provided that if the effective date is on or after the 16th day of the month, the first quarterly declaration must be received in the Board's offices on the first day of the fourth month following. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

- f. At the time he submits his quarterly declarations, Dr. Friedman shall also submit declarations under penalty of Board disciplinary action or criminal prosecution stating whether he has complied with all the terms, conditions, and limitations imposed by the New York, New Jersey and Pennsylvania Boards. Moreover, Dr. Friedman shall cause to be submitted to the Board copies of any reports that he submits to the New York, New Jersey, or Pennsylvania Boards whenever the New York, New Jersey, or Pennsylvania Boards requires such submission.
- g. Dr. Friedman shall immediately notify the Board in writing of any modification or change to any term, condition, or limitation imposed by the New York, New Jersey or Pennsylvania Boards.
- h. Dr. Friedman shall refrain from commencing practice in Ohio without prior written Board approval. Moreover, should Dr. Friedman commence practice in Ohio, the Board may place his certificate under additional probationary terms, conditions, or limitations, including the following:
 - i. Dr. Friedman shall appear in person for interviews before the full Board or its designated representative within three months of the commencement of practice in Ohio, at three month intervals thereafter, and upon his request for termination of the probationary period, or as otherwise requested by the Board.

If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled. Although the Board will normally give him written notification of scheduled appearances, it is Dr. Friedman's responsibility to know when personal appearances will occur. If he does not receive written notification from the Board by the end of the month in which the appearance should have occurred, Dr. Friedman shall immediately submit to the Board a written request to be notified of his next scheduled appearance.

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OF OHIO

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- ii. Dr. Friedman shall provide a copy of this Order by certified mail to all employers or entities with which he is under contract to provide health care services or is receiving training, and the Chief of Staff at each hospital where Dr. Friedman has privileges or appointments. Further, Dr. Friedman shall provide a copy of this Order by certified mail to all employers or entities with which he applies or contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where Dr. Friedman applies for or obtains privileges or appointments. Further, Dr. Friedman shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
 - iii. If any declaration or report required by this Order is not received in the Board's offices on or before its due date, Dr. Friedman shall cease practicing medicine beginning the day following Dr. Friedman's receiving notice from the Board of non-receipt, either by writing, telephone, or by personal contact, until the declaration or report is received in the Board offices. Any practice during this time period shall be considered unlicensed practice of medicine in violation of Section 4731.41, 4731, Ohio Revised Code.
 - i. If Dr. Friedman violates probation in any respect, the Board, after giving him notice and the opportunity to be heard, may institute whatever disciplinary action it deems appropriate, up to and including the permanent revocation of his certificate.
 - j. If Dr. Friedman violates probation in any respect, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period.
 - k. Periods of time during which Dr. Friedman's certificate to practice osteopathic medicine and surgery is inactive due to nonpayment of renewal fees will not apply to the reduction of the probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that the purposes of the probationary monitoring are being fulfilled.
2. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Friedman's certificate will be fully restored.

Report and Recommendation
In the Matter of Samuel L. Friedman, D.O.
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STATE MEDICAL BOARD
OF CALIF.

2000 APR 25 P 4: 02

This Order shall become effective immediately upon the mailing of notification of approval by the Board.



Daniel Roberts
Attorney Hearing Examiner



State Medical Board of Ohio

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EXCERPT FROM THE DRAFT MINUTES OF JUNE 14, 2000

REPORTS AND RECOMMENDATIONS

Dr. Egner announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Egner asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of Stuart W. Bilyeu, D.O.; James A. Brady, M.D.; Gary L. Dell, P.A.; Samuel L. Friedman, D.O.; Carl Scarborough Jenkins, M.D.; Robert H. Krupkin, M.D.; Jonathan W. Singer, D.O.; and Ferieda M. Walker, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Egner	- aye

Dr. Egner asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- aye

Dr. Steinbergh - aye
Dr. Egner - aye

In accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Egner stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

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SAMUEL L. FRIEDMAN, D.O.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MR. ROBERTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF SAMUEL L. FRIEDMAN, D.O. DR. SOMANI SECONDED THE MOTION.

.....

A vote was taken on Dr. Steinbergh's motion to approve and confirm:

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Mr. Browning	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Egner	- aye

The motion carried.



State Medical Board of Ohio

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November 17, 1999

Samuel L. Friedman, D.O.
610 Beverly-Rancocas Road
Willingboro, New Jersey 08046

Dear Doctor Friedman:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about June 30, 1999, the New Jersey State Board of Medical Examiners (hereinafter the "New Jersey Board") entered a Consent Order reprimanding you and assessing you [investigative] costs of \$1, 644.31 and civil penalties in the amount of \$10,000.00.

Further, the New Jersey Board ordered that you cease and desist in the use of digital myography and that you cease and desist from violating Section 13:39A-2.3(a), New Jersey Administrative Code, regarding delegation of medical tasks. You were further ordered to complete a medical record keeping course and to maintain progress notes, including the medical basis for use of diagnostic tests.

The acts underlying the New Jersey Board Consent Order include that, in your family practice and personal injury practice, you failed to adequately document in your progress notes your reasons for ordering digital myography and your reasons for the continued use of multiple modalities/physical therapy, and you failed to properly supervise your physical therapist assistants. A copy of the New Jersey Board Consent Order is attached hereto and fully incorporated herein.

The New Jersey Board Consent Order as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;" as that language is used in Section 4731.22(B)(22), Ohio Revised Code.

Mailed 11-18-99

Samuel L. Friedman, D.O.

Page 2

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice osteopathic medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # Z 233 896 479
RETURN RECEIPT REQUESTED

JOHN J. FARMER, JR.
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

FILED

By: Susan C. Berger
Deputy Attorney General
Tel. (973) 648-7093

June 30, 1999
**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	
SAMUEL FRIEDMAN, D.O.	:	
LICENSE NO. MB21345	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	Administrative Action
IN THE STATE OF NEW JERSEY	:	CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter "Board") based upon allegations that Dr. Samuel Friedman had failed to document the reasons for diagnostic tests (digital myography) and the continued use of multiple modalities/physical therapy. Dr. Friedman is a physician with offices at 610 Beverly Rancocas Road, Willingboro, New Jersey.

Dr. Friedman appeared before a Committee of the Board on January 22, 1997 and on May 28, 1997 together with his counsel Arthur Cohen, Esq. He testified that his practice consists of family practice and personal injury matters. Dr. Friedman

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submitted a summary of patient records for eleven patients, his C.V., a document entitled "Why Testing Isometrically", a copy of Roger A. Kendrick's license as a physical therapist assistant and a letter, dated September 24, 1991 to attorney Grayer regarding patient H.W. and hospital records of H.W. from JFK Hospital. Dr. Friedman was questioned about his treatment of patients whose records had been subpoenaed.

After reviewing the eleven patient records and Dr. Friedman's testimony, the Board finds that Dr. Friedman has failed to adequately document in his progress notes his reasons for ordering digital myography and the reasons for the continued use of multiple modalities/physical therapy in violation of N.J.A.C. 13:35-6.5(b); in addition his physical therapist assistants were not properly supervised in violation of N.J.A.C. 13:39A-2.3(a). Dr. Friedman voluntarily participated in the Colorado Personalized Education for Physicians (CPEP) course on September 15-16, 1997. Dr. Friedman has submitted the CPEP report to the Board.

The Board finding that this disposition of the matter is adequately protective of the public, and other good cause appearing;

IT IS 30th day of June , 1999;

ORDERED:

1. Respondent is reprimanded for not adequately documenting in his progress notes the reasons for ordering digital myography testing, the basis for the continued use of multiple modalities and

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physical therapy and any progress resulting from the continued use of multiple modalities and physical therapy.

2. Respondent shall cease and desist in the use of digital myography. Respondent represents that he has not utilized such testing since approximately July 1, 1997.

3. Respondent shall successfully complete the Medical Record Keeping segment of Dr. Vilensky's Mini Residency course. Respondent has submitted a certification of successful completion of the course.

4. Respondent shall maintain progress notes concerning the use of modalities and physical therapy and the medical basis for ordering diagnostic tests.

5. Respondent shall cease and desist from violating N.J.A.C. 13:39A-2.3(a).

6. Respondent expressly understands and consents to the admission of any reports prepared by CPEP into evidence at any future disciplinary proceedings before the Board.

7. Respondent is assessed costs in the amount of \$1,644.31 payable to the New Jersey State Board of Medical Examiners by certified check by June 21, 1999.

8. Respondent is assessed civil penalties in the amount

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of \$10,000 payable to the New Jersey State Board of Medical Examiners by certified check by June 21, 1999.

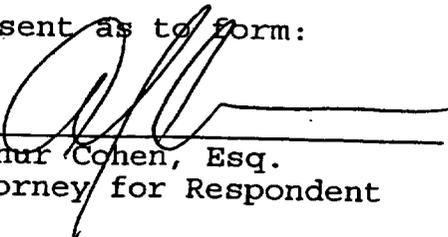
STATE BOARD OF MEDICAL EXAMINERS

By 
Bernard Robins, M.D.
President

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


Samuel Friedman, D.O.

Consent as to form:


Arthur Cohen, Esq.
Attorney for Respondent

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