

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

nunc pro tunc August 30, 2017

In the Matter of the Suspension
Or Revocation of the License of:

JAY D. KURIS, M.D.
License No. 25MA02542700

INTERIM ORDER IMPOSING
LIMITATIONS ON PRACTICE

to Practice Medicine and Surgery
in the State of New Jersey

This matter was initially opened before the New Jersey State Board of Medical Examiners (the "Board") on July 24, 2017, upon the Attorney General's filing of an eight count Administrative Complaint against respondent Jay D. Kuris, M.D., and the simultaneous filing of an Order to Show Cause requiring Dr. Kuris to appear before the Board on August 9, 2017, and show cause why an Order temporarily suspending, or otherwise conditioning or limiting his license, should not be entered by the Board. The action is predicated upon respondent's treatment of eight patients, seven of whom were prescribed Controlled Dangerous Substances ("CDS") for chronic pain syndromes and/or for treatment of psychiatric conditions, for periods spanning multiple years. Count 8 of the Complaint focuses upon care provided to an undercover state police officer, who visited respondent's office on several dates in January and February 2017. Respondent then issued the undercover officer prescriptions for Suboxone to address claimed heroin use.

In each Count, the Attorney General alleges that respondent violated multiple provisions of the Uniform Enforcement Act, including, without limitation, N.J.S.A. 45:1-21(c) (engaging in gross negligence), N.J.S.A. 45:1-21(d) (engaging in repeated acts of negligence) and N.J.S.A. 45:1-21(m) (indiscriminate prescribing).

On August 7, 2017, we filed an Order which adjourned the return date for the Order to Show Cause to August 30, 2017. That Order included a provision prohibiting Dr. Kuris from prescribing any and all CDS pending the completion of the rescheduled hearing and further Order of the Board. See Interim Consent Order, In the matter of Jay D. Kuris, M.D., filed August 7, 2017. Dr. Kuris has thus been prohibited from prescribing CDS since August 7, 2017. On August 23, 2017, respondent filed an Answer to the Complaint. Therein, respondent denied all of the substantive allegations of the Complaint.

On August 30, 2017, the Hearing Committee convened to conduct a hearing on the Attorney General's application for the temporary suspension of respondent's license. Board members Paul J. Carniol, M.D. (Committee Chair), George J. Scott, D.O., Barbara Lopez, P.A., Nazir Haidri, M.D. and Ansar Batool served on the Hearing Committee, and the Committee was counseled by Senior Deputy Attorney General Steven Flanzman. Deputy Attorney General Melissa

Medoway appeared for Complainant Attorney General, and Stephen H. Schechner, Esq. appeared for respondent Jay Kuris, M.D.

Initially, the Committee was asked to consider whether a settlement proposal made by Dr. Kuris -- namely, to continue the prohibition on prescribing of all CDS and to submit to a comprehensive practice assessment -- should be deemed adequately protective of the public interest and sufficient to obviate the need to otherwise hear the application for the temporary suspension of Dr. Kuris's license. Both counsel were afforded an opportunity to present oral argument on the proposed settlement. Deputy Attorney General Medoway urged the Committee to reject Dr. Kuris's settlement proposal, arguing generally that the scope of the allegations against Dr. Kuris went beyond prescribing of CDS alone and instead implicated his general competency to practice psychiatry and his candor in recordkeeping. DAG Medoway thus urged the Committee to conclude that nothing short of a full temporary suspension would adequately protect the public interest. Mr. Schechner argued that all of Dr. Kuris's patients and the public interest would be adequately protected if Dr. Kuris remained prohibited from issuing prescriptions for all CDS.

Upon giving careful consideration to the record in this matter, to include all filed documents, we conclude that the public health, safety and welfare can be adequately protected during the pendency of this matter (specifically, until the conclusion of

hearings before the Office of Administrative Law on all allegations in the Amended Complaint, and full disposition of this matter upon the Board's adoption, rejection or modification of any recommended Initial Decision from the OAL), if: (1) Dr. Kuris continues to be fully prohibited from prescribing any and all CDS, and is further expressly prohibited from directing any other health care professional with prescriptive authorization from prescribing any CDS for any of Dr. Kuris's patients; and (2) Dr. Kuris is required to secure, at his own expense and within six months from the date of entry of this Order, a comprehensive practice assessment, to be conducted by a Post-Licensure Assessment Program (a "PLAP") acceptable to and pre-approved by the Board. The assessment would need to include an evaluation of Dr. Kuris's competency to engage in the general practice of psychiatry, his competency to prescribe CDS (both for general psychiatric conditions and for pain management) and of the adequacy, or lack thereof, of Dr. Kuris's medical records.¹

¹ Upon completion of the practice assessment, the Board is to receive a written report, prepared by the assessment program and forwarded directly to the Board, detailing all findings and recommendations made. Respondent shall execute all releases and/or consents that may be required to expressly authorize the Board to receive said report.

Recognizing that there could be grounds, at that time, for the Board to reconsider the terms of this Order, we expressly provide that either party may then move before the Board for modification of the terms of this Order. Although we are transmitting this matter to the Office of Administrative Law for hearing as a contested case, we retain limited jurisdiction to consider any such petition(s) for modification of the terms of this Order alone.

Finally, we expressly provide herein that should Dr. Kuris violate any of the terms of this Order, his doing so shall constitute grounds upon which

After we announced our decision, Dr. Kuris was sworn and the specific terms and conditions of this interim Order (see below) were read into the record. Dr. Kuris acknowledged under oath that he understood all of the terms of this Order and agreed to fully comply with all terms and conditions.

The Committee having considered the objections raised by the Attorney General but finding that the entry of this Order is adequately protective of the public interest, and that good cause exists for the entry of this Order,

IT IS on this ~~1st~~ day of ~~September~~ 2017

ORDERED nunc pro tunc August 30, 2017:

1. Respondent Jay D. Kuris, M.D. shall continue to be prohibited from prescribing, dispensing and/or administering any and all CDS to all patients, pending the completion of all plenary proceedings in this matter and/or further Order of this Board. Dr. Kuris is additionally prohibited from directing any other health care professional with prescriptive authorization (to include without limitation any Advanced Practice Nurse, Physician Assistant and/or resident physician) to prescribe, administer and/or dispense any and all CDS to any of Dr. Kuris's patients.

the Board may immediately enter an Order of full temporary suspension of license, which Order would remain in place until the completion of all plenary proceedings in this matter. Were such an Order of full temporary suspension to be entered, Dr. Kuris could seek to challenge the Order upon written notice to the Board, but would be limited in any such challenge to demonstrating that any evidence and/or information relied upon by the Board to establish a violation of this Order was in error and/or otherwise demonstrating that he had not violated the terms of this Order.

2. Respondent shall submit to a comprehensive assessment of his practice skills, to be conducted by a Post-Licensure Assessment Program ("PLAP") approved by the Medical Director of the Board (or her designee). The assessment shall include an evaluation of respondent's knowledge base of, and his ability to safely and competently engage in the general practice of psychiatry, with a specific focus upon his knowledge base of, and ability to safely and competently prescribe CDS, both for patients being treated for general psychiatric conditions and for patients being treated for acute and/or chronic pain management. The PLAP shall additionally review Dr. Kuris's medical records and evaluate his ability and competency to prepare medical records in a manner consistent with acceptable standards for medical recordkeeping. Prior to commencement of the assessment, the PLAP shall be provided with copies of this Order and all of the filed documents in this matter. The Medical Director of the Board (or her designee) shall be authorized to communicate directly with representatives of the approved PLAP, to address any questions or issues concerning the scope of the assessment to be conducted. Dr. Kuris must fully complete the assessment process ordered herein within six months of the date of entry of this Order.

3. In the event respondent violates any of the terms this Order, such violation shall constitute grounds for the Board to enter an Order of full temporary suspension of Dr. Kuris's

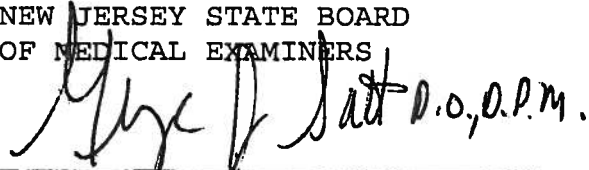
medical license. In such event, the temporary suspension Order shall remain in full force and effect until the completion of all plenary proceedings in this matter.

4. Upon completion of the assessment and the Board's receipt of a report outlining findings and/or recommendations that may be made by the PLAP, either party may petition the Board for modification of the terms of this Order, and/or for the imposition of additional conditions and/or limitations upon respondent's practice, based on the results of the assessment.

5. This matter will be referred to the Office of Administrative Law for plenary proceedings, however the Board explicitly reserves jurisdiction to consider any application(s) that may be made, by either party, for modification of the terms of this Order, consistent with ¶4 above.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:

 *George J. Scott, D.O., D.P.M.*

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

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS**

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website.

See <http://www.njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbserviceguidebook.pdf>.

Pursuant to N.J.S.A.45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.