



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

IN THE MATTER OF THE LICENSE OF

JAY D. KURIS, M.D.
LICENSE NO. 25MA02542700

TO PRACTICE MEDICINE AND SURGERY IN
THE STATE OF NEW JERSEY

Administrative Action

ORDER

This matter was returned to the New Jersey State Board of Medical Examiners ("Board") on or about September 13, 2022, upon the filing of a Motion to Amend the Orders of August 2, 2019, January 17, 2020, August 4, 2021, and December 14, 2021 ("Motion"). The Motion sought to remove the restriction on Dr. Kuris' ability to prescribe Controlled Dangerous Substances ("CDS"). For reasons set forth below we remove the prohibition on Dr. Kuris' CDS prescribing.¹

By way of background, this matter was initially opened before the Board on July 24, 2017, upon the filing of an application seeking the temporary suspension of Dr. Kuris' license, based upon

¹ We do not find that there exists a legal or factual basis to amend our prior orders, as we were not provided with any such basis. That does not deter us, however, to find it appropriate to grant Dr. Kuris' request, and enter a new Order.

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allegations that he engaged in inappropriate and indiscriminate prescribing of CDS, among other allegations. On September 1, 2017, we imposed restrictions on Dr. Kuris' ability to practice medicine, including a prohibition on CDS prescribing, and required him to undergo skills assessment. The matter was then transferred to the Office of Administrative Law ("OAL") for plenary proceedings, with the Board retaining limited jurisdiction over any disputes arising out of the results of the skills assessment. The plenary matter remains pending at the OAL.

On January 9, 2019, followed by written order filed on January 17, 2019, we suspended Dr. Kuris' license to practice medicine in New Jersey, based upon his failure to comply with a December 18, 2018, Consent Order.

Dr. Kuris license was then reinstated for reasons articulated in our August 2, 2019, Order, wherein we concluded that satisfactory cause existed to enter an Order reinstating Dr. Kuris' license, but found it necessary to continue to prohibit Dr. Kuris from CDS prescribing.

This matter then returned to the Board on three separate occasions, specifically, January 8, 2020, July 14, 2021, and December 8, 2021, all upon requests by Dr. Kuris to reinstate his ability to prescribe CDS. Due to Dr. Kuris' failure to undergo an updated skills assessment prior to his requests, as required by the August 2, 2019, Order, those requests were denied.

Dr. Kuris' September 13, 2022 Motion was heard on the papers before the full Board on November 9, 2022. Considered by the Board were Dr. Kuris' September 13, 2022, motion, the Attorney General's September 16, 2022, response, and Dr. Kuris' September 21, 2022, reply.

In his motion papers, Stephen H. Schechner, Esq., on behalf of Dr. Kuris, submitted that Dr. Kuris had successfully completed all requirements for reinstatement of his CDS privileges, by complying with the recommendations made by CPEP in their Educational Intervention Education Plan, and by undergoing and passing a post-education evaluation on May 2-3, 2022, which specifically focused on CDS prescribing.

In response, DAG Kate Calendar, on behalf of the Attorney General, objected to the restoration of Dr. Kuris' CDS privileges. The Attorney General conceded that CPEP determined that Dr. Kuris can safely prescribe CDS, but argued that his prescribing of CDS should be limited to medications utilized in general outpatient psychiatry. The Attorney General maintained that Dr. Kuris was incapable of safely practicing pain management and should not be permitted to prescribe Schedule I medications or Schedule II narcotics.

Discussion and Conclusion

We previously considered the issue of restoration of Dr. Kuris' CDS privileges at hearings held on July 10, 2019, January

8, 2020, July 14, 2021, and December 8, 2021. At all four hearings, we carefully reviewed the information before us, including a 2019 CPEP Report, and still found "it necessary to continue the complete prohibition on" Dr. Kuris' CDS prescribing. In denying Dr. Kuris' requests, we continually referenced the guide map we provided to Dr. Kuris in our August 2, 2019, Order, as to what needed to occur for us to remove the prohibition on Dr. Kuris' CDS prescribing. Specifically, we stated that prior to the modification of our August 2, 2019, Order, Dr. Kuris would have to undergo an updated skills assessment, to be conducted by CPEP, or another Board-approved skills assessment provider.

Dr. Kuris comes to us now having finally complied with an updated evaluation, conducted by CPEP on May 2-3, 2022. The evaluation concluded that Dr. Kuris demonstrated a good depth of knowledge, and demonstrated current knowledge of the prescribing of both uncontrolled and controlled substances. A patient record review showed that Dr. Kuris' patient care met generally accepted standards of practice, and his documentation was appropriate. Based on the above findings, CPEP concluded that Dr. Kuris passed his post-education evaluation.

Upon consideration of the documentation provided, including the 2022 CPEP report, we conclude that good cause exists to grant Dr. Kuris' request for the removal of the prohibition on his CDS prescribing, expressly subject to Dr. Kuris' compliance with the

remaining provisions of our August 2, 2019, Order, specifically Dr. Kuris' continuing practice under the oversight of his educational preceptor. The Board has determined that the within Order is adequately protective of the public health, safety, and welfare;

WHEREFORE, it is on this 23rd day of DEC, 2022

ORDERED:

1. Dr. Kuris' Motion to remove the prohibition on his prescribing, dispensing or administering any and all CDS, as set forth in paragraphs 2 and 3 of the August 2, 2019 Order, is granted.²

2. All other terms and conditions of the August 2, 2019, Order shall remain in full force and effect.

3. Dr. Kuris shall be subject to an entry of an Order of Automatic Suspension immediately suspending his license to practice medicine and surgery without prior notice or opportunity for a hearing, upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Dr. Kuris has failed to comply with any of the provisions of this Order.

² Prior to engaging in the prescribing of CDS, Dr. Kuris must first seek and obtain reinstatement of New Jersey CDS and DEA registration.

a. The evidence upon which the Order of Automatic Suspension is based shall be provided to Dr. Kuris.

b. Dr. Kuris shall have the right to apply for removal of the automatic suspension within thirty days after receiving notice of the Order. The application shall be submitted in writing to the Executive Director of the Board, shall be limited to a showing that the information upon which the Board relied was false and shall include any and all documents or other written evidence supporting Dr. Kuris' application.

c. If requested by Dr. Kuris, the Board, or a Committee of the Board, shall meet within a reasonable time following receipt of Dr. Kuris' application. At that meeting, Dr. Kuris shall be granted an opportunity to make a statement and present evidence limited to a showing that the information upon which the Board relied was false. If the application is heard by a Committee of the Board, the Committee's decision shall take effect immediately and shall be subject to review by the full Board at its next regularly scheduled meeting.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: _____

Otto F. Sabando, D.O.
President

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY 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://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/npdbguidebook.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 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.