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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

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Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

vs.

Mary Ann Ager, M.D.  
Respondent

:  
:  
: Docket No.: 0015-49-10  
:  
:  
: File No.: 09-49-09555  
:  
:

**CONSENT AGREEMENT AND ORDER**

**PARTIES**

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Mary Ann Ager, M.D.** ("Respondent") stipulate as follows in settlement of the above-captioned case.

**APPLICABLE LAW**

1. This matter is before the State Board of Medicine ("Board") pursuant to Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. §§ 422.1 - 422.53, *as amended*; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L. 154, No. 13, 40 P.S. §§ 1303.101-1303.910, *as amended*; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), 63 P.S. §§ 2201-2207, *as amended*.

**LICENSURE STATUS**

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD025686E, which was originally issued on August 19, 1981, and which expired on December 31, 2004.

### **STIPULATED FACTS**

3. The Respondent admits that the following allegations are true:

a. Respondent's license was current through December 31, 2004 and may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 10 Dunbarton Road, Cherry Hill, NJ 08003.

c. On or about August 13, 2009, the New Jersey State Board of Medical Examiners (New Jersey Board) issued a Consent Order finding Respondent in violation of N.J.S.A. 45:1-21(d) (engaging in repeated acts of negligence, malpractice or incompetence); N.J.S.A. 45:1-21 (e) (engaging in professional or occupational misconduct); N.J.S.A. 45:9-22.19 (prescribing an excessive amount of a controlled substance; and N.J.A.C. 13:35-7.6(d)(2) (remaining insufficiently alert to her patient's dependence on prescribed substances).

d. A true and correct copy of the New Jersey State Board of Medical Examiner's Consent Order is attached and incorporated as **Exhibit A**.

e. As set forth in the New Jersey Consent Order (**Exhibit A**), Respondent provided a patient with prescriptions allowing the patient to obtain pain medication in dosage amounts exceeding appropriate levels prior to the patient's death on January 19, 2007.

f. In the New Jersey Consent Order (**Exhibit A**), the New Jersey Board, among other things,:

(1) Issued Respondent a reprimand for inappropriate prescribing and inadequate supervision of her patient's use of prescription drugs;

(2) Ordered Respondent to demonstrate successful completion of a course on proper prescribing of C.D.S. [controlled and dangerous substances];

(3) Ordered Respondent to permanently restrict her medical practice to psychiatry and permanently refrain from the practice of pain management;

(4) Ordered Respondent to permanently cease prescribing Schedule II narcotic drugs and for a period of one year;

(5) Ordered that, for a period of one year, Respondent shall not prescribe Schedule II non-narcotic drugs for the treatment of psychiatric disorders unless another psychiatrist has approved the prescription in advance.

(6) Ordered that, for a period of one year, Respondent shall not prescribe Schedule III drugs unless another psychiatrist has approved the prescription in advance.

g. Respondent has fully complied with the requirements set forth in the New Jersey Consent Order (**Exhibit A**), as evidenced by the documents produced to the Board under cover of correspondence dated January 5, 2012.

h. A true and correct copy of the documents produced to the Board with the January 5, 2012 correspondence are attached and incorporated as **Exhibit B**.

i. The documents referenced above (**Exhibit B**) include the following:

(1) Copy of Certificate of Attendance for Intensive Course in Controlled Substance Management (5/4/2010 to 5/7/2010) at Case Western Reserve University;

(2) Copy of Letter dated May 11, 2010 from Ted Parran, Jr., M.D., F.A.C.P., Medical Director, Continuing Medical Education Program at Case Western Reserve University, relative to Respondent's successful completion of the Intensive Course in Controlled Substance Management;

(3) Copy of Memorandum dated September 1, 2010 from Dr. Deerfield confirming Respondent's compliance with New Jersey Consent Order and completion of supervision by approving psychiatrist;

(4) Copy of Memorandum from Laurie Deerfield, D.O., dated 1/21/2010, confirming supervision by approving psychiatrist per New Jersey Board of Medicine Consent Order; and

(5) Copy of Invoices from Dr. Deerfield relative to supervision referenced above.

#### **ALLEGED VIOLATIONS**

4. The Commonwealth alleges that the Board is authorized to suspend, revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.39-422.42; and/or impose a civil penalty upon Respondent under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and /or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. §

2205(b)(5), because Respondent violated the Act at 63 P.S. § 422.41(4) in that Respondent's license to practice medicine was disciplined by the proper licensing authority of another state.

**PROPOSED ORDER**

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend, revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.39-422.42; and/or impose a civil penalty upon Respondent under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at 63 P.S. § 422.41(4) in that Respondent's license to practice medicine was disciplined by the proper licensing authority of another state.

**INDEFINITE SUSPENSION OF LICENSE**

b. Respondent consents to the **INDEFINITE VOLUNTARY SURRENDER** of Respondent's license to practice medicine and surgery in this Commonwealth of Pennsylvania, license no. MD025686E, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board.

c. The Board accepts the **INDEFINITE VOLUNTARY SURRENDER** of Respondent's license to practice medicine and surgery in this Commonwealth, license no. MD025686E.

d. Respondent shall, within ten (10) days of the beginning of the period of voluntary surrender of her license, surrender her wall certificate, biennial renewal certificate and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

Anita P. Shekletski  
Senior Prosecutor in Charge  
Bureau of Professional and Occupational Affairs  
P.O. Box 2649  
Harrisburg, PA 17105-2649

or by delivering them in person at:

Bureau of Professional and Occupational Affairs  
One Penn Center  
2601 North 3rd St.  
Harrisburg, Pennsylvania

e. During the period of voluntary surrender, Respondent shall cease and desist from practicing as a medical physician and surgeon, and shall not represent herself as a Board licensee in any matter during any period of voluntary surrender.

#### **REINSTATEMENT**

f. Respondent may apply for the reinstatement of her license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania under the following terms and conditions:

(1) The application for reinstatement shall not be considered a modification of the Consent Agreement. Prior to reinstatement the Board may impose reasonable conditions it

deems necessary as a prerequisite to practicing medicine and surgery in this Commonwealth of Pennsylvania and/or may require Respondent to undergo a skills assessment through an assessment and remediation program and said program shall be subject to Board approval. At the conclusion of the clinical skills assessment, in the event the selected assessment program recommends a functional skills assessment and, if it deems necessary, a remedial or clinical skills refresher program, Respondent shall complete those as well within three (3) months of the date of such recommendation unless Respondent notifies the Board in writing with fifteen (15) days of the reason for the delay. Respondent's extension of this three (3) month period of time shall be subject to the discretion of the Board as to the reasonableness of the Respondent's delay and her diligence in attempting to complete the program within the requisite period. Respondent shall comply with any other recommendations recommended by the selected assessment program to address any deficiencies. Respondent shall provide the Board and the Prosecution Division with documentation demonstrating successful completion of any remedial or clinical skills refresher program recommended by the selected assessment program. Respondent shall bear all costs related to the evaluation and recommended programs associated with the selected assessment program. Respondent shall also

provide to the Board and the Prosecution Division a copy of the full report from selected assessment program, and shall sign consents for selected assessment program's release of information to the Board and the Prosecution Division.

(2) Respondent shall file any application for reinstatement in writing with the Board, along with a request for a hearing on the application. At the hearing, Respondent bears the burden of proving by a preponderance of the evidence that the Respondent is capable of practicing medicine and surgery with reasonable skill and safety to patients. Such burden of proof shall include, but not be limited to, proof of full compliance with the terms of the New Jersey Consent Order (**Exhibit A**). Should the Board choose to reinstate Respondent's license to practice medicine and surgery, it may reinstate the license subject to any terms and conditions that the Board in its sole discretion deems to be reasonable and appropriate.

(3) Respondent acknowledges if the Respondent applies for reinstatement of her license, the Board may schedule a formal hearing for the purpose of determining whether or not Respondent can safely practice medicine with reasonable skill and safety. If the Board does not schedule a formal hearing for said purpose, then the Board will make a full and fair determination as to whether or not Respondent can safely practice medicine with reasonable skill



and safety based on the documents produced by Respondent along with her application for reinstatement.

(4) Respondent's failure to fully cooperate and comply with, and successfully complete, the terms and conditions of this Consent Agreement and Order shall be deemed a violation of this Consent Agreement and Order and shall subject Respondent to the commencement of further disciplinary action at the discretion of the Prosecution Division.

g. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

h. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

#### **ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

#### **ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by

the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

**ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

8. Respondent acknowledges that she is aware that she has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with the law firm of Weber Gallagher Simpson Stapleton Fires & Newby, LLP, regarding this Consent Agreement.

**WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS**

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately

stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

#### **NO MODIFICATION OF ORDER**

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

#### **AGREEMENT NOT BINDING ON OTHER PARTIES**

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

#### **EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT**

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

#### **ENTIRE AGREEMENT**


13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

**AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS**

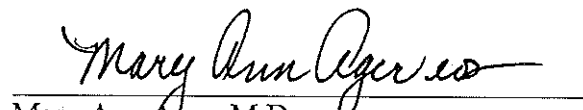
14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

**VERIFICATION OF FACTS AND STATEMENTS**

15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

  
Anita P. Shekletski,  
Senior Prosecutor in Charge  
Department of State

DATED: 3/1/12

  
Mary Ann Ager, M.D.

DATED: 2/28/2012

FILED

August 13, 2009

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

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Kim D. Ringler  
Deputy Attorney General  
Tel. (973) 648-4741

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

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

Administrative Action

CONSENT ORDER

MARY ANN AGER, M.D.  
License No. 25MA0445B500

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners Board (Board) by Anne Milgram, Attorney General of New Jersey, Kim D. Ringler, Deputy Attorney General, appearing, based on allegations that Mary Ann Ager, M.D. inappropriately prescribed pain medication for one patient, S.M., Dr. Ager appeared and testified before the Preliminary Evaluation Committee of the Board on January 21, 2009 with her attorneys, Andrew K. Worek, Esq., and Tamara Rudow, Esq., of Weber Gallagher Simpson Stapleton Fires & Newby LLP.

Dr. Ager provided the patient S.M. with prescriptions allowing her to obtain pain medication in dosage amounts exceeding

CERTIFIED TRUE COPY

EXHIBIT  
A

appropriate levels prior to S.M.'s death on January 19, 2007. Accordingly, Dr. Ager's conduct violated N.J.S.A. 45:1-21(d) for engaging in repeated acts of negligence, malpractice or incompetence; N.J.S.A. 45:1-21(e) for engaging in professional or occupational misconduct as may be determined by the Board; N.J.S.A. 45:9-22.19 for prescribing an excessive amount of a controlled substance; and N.J.A.C. 13:35-7.6(d)(2) for remaining insufficiently alert to her patient's dependence on prescribed substances.

Dr. Ager, being desirous of resolving this matter without formal proceedings, consents and agrees to each and every term of this Consent Order as set forth below. The Board finds that the within disposition is adequately protective of the public health, safety and welfare.

THEREFORE, IT IS ON THIS 13th DAY OF August, 2009

HEREBY ORDERED AND AGREED THAT:

1. The Board hereby reprimands Mary Ann Ager, M.D. for inappropriate prescribing and inadequate supervision of her patient's use of prescription drugs;

2. Dr. Ager shall complete a Board approved course on proper prescribing of C.D.S. at her own expense, and demonstrate successful completion to the Board within nine months of the filed date of this Consent Order. Successful completion means that all sessions were attended, all assignments were properly and

appropriately completed and a passing grade was achieved, which was unconditional and without reservation;

3. Dr. Ager shall permanently restrict her medical practice to psychiatry and permanently refrain from the practice of pain management;

4. Dr. Ager shall permanently cease prescribing Schedule II narcotic drugs, as defined by the Controlled Dangerous Substance Act, N.J.S.A. 24:21-5 et seq.;

5. For a period of one year from the date of the filing of this Consent Order, Dr. Ager shall not prescribe Schedule II non-narcotic drugs, as defined by the Controlled Dangerous Substance Act, N.J.S.A. 24:21-5 et seq., for the treatment of psychiatric disorders including ADHD, dementia and depression unless another psychiatrist has approved the prescription in advance. Dr. Ager shall supply the Board with the name of the approving psychiatrist;

6. For a period of one year from the date of the filing of this Consent Order, Dr. Ager shall not prescribe Schedule III drugs, as defined by the Controlled Dangerous Substance Act, N.J.S.A. 24:21-5 et seq., unless another psychiatrist has approved the prescription in advance. Dr. Ager shall supply the Board with the name of the approving psychiatrist; and

7. ~~Dr. Ager shall comply with the portion of the standard~~  
"Directives" of the Board pertaining to licensees who have been

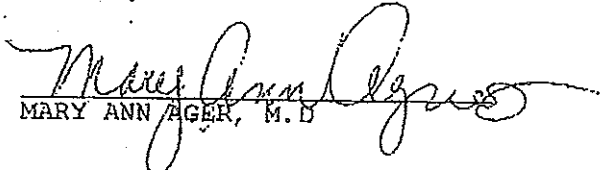
disciplined, a copy of which is attached hereto and made a part of the within Order, to the extent applicable.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: 

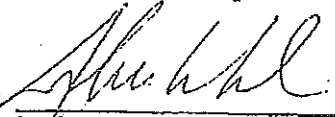
Paul C. Mendelowitz, M.D.  
Board President

I have read and understood  
the within Order and agree  
to be bound by its contents.  
I hereby consent to the  
entry of this Order.

  
MARY ANN AGER, M.D.

Dated: 7-15-09

I hereby consent to the  
form and entry of this Order.

  
Andrew Worek, Esq.  
Attorney for Mary Ann Ager, M.D.

Dated: 7-15-09



**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 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.

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NOTICE OF REPORTING PRACTICES OF BOARD  
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated 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 are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

~~On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.~~

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

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

WEBER GALLAGHER  
SIMPSON STAPLETON  
FIRES & NEWBY LLP

January 5, 2012

**VIA EMAIL AND REGULAR MAIL**

Anita Shekletski, Esquire  
Department of State - Commonwealth of PA  
Senior Prosecutor In Charge  
P.O. Box 2649  
Harrisburg, PA 17105

Direct Dial: (215) 825-7213  
Email: jdrust@wglaw.com

RE: Mary Ann Ager, M.D. (Mabie)  
Our File Number: 0037823

Dear Anita:

In follow up to our discussions, enclosed please find the following:

1. Draft Consent Agreement and Order negotiated with Mr. Kerry Maloney, the prosecutor previously assigned to this case;
2. Copy of Certificate of Attendance for Intensive Course in Controlled Substance Management (5/4/2010 to 5/7/2010) at Case Western Reserve University;
3. Copy of Letter from Ted Parran Jr., M.D., F.A.C.P., Medical Director, Continuing Medical Education Program at Case Western, relative to Dr. Ager's successful completion of the course referenced above;
4. Copy of Memorandum from Laurie Deerfield, D.O., dated 1/21/2010, confirming supervision by approving psychiatrist per New Jersey Board of Medicine Consent Order;
5. Copy of Invoices from Dr. Deerfield relative to supervision referenced above; and
6. Copy of Memorandum from Dr. Deerfield confirming Dr. Ager's compliance with New Jersey Consent Order and completion of supervision by approving psychiatrist.

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**EXHIBIT  
B**

Anita Shekletski, Esquire  
Ager, Mary Ann M.D., File No. 09-49-09555  
Page 2 of 3

Please review the enclosed at your earliest convenience and contact me regarding your approval of the Draft Consent Agreement and Order so that we might finalize the same and have it submitted to the Board for adoption.

Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J. Drust", with a stylized flourish at the end.

Joann L. Drust

JLD/rs  
encls

cc: Mary Ann Ager, M.D.



CASE WESTERN RESERVE

Mary Ann Ager, MD  
1930 E. Marlton Pike Q-11  
Cherry Hill, NJ 08003

Certificate of Attendance  
***Mary Ann Ager, MD***

*has attended the*

***Intensive Course in Controlled Substance Management***

***5/4/2010 - 5/7/2010***

The Case Western Reserve University School of Medicine certifies that Mary Ann Ager, MD has participated in the educational activity titled Intensive Course in Controlled Substance Management at the George S. Dively Building, Cleveland, OH on 5/4/2010 - 5/7/2010 and is awarded 37.00 category 1 credit(s)<sup>TM</sup> toward the AMA Physician's Recognition Award.

Continuing Medical Education Program  
10524 Euclid Avenue, Cleveland, OH 44106-3028  
Tel: 216-933-1239 Fax: 216-844-8133 <http://casemed.case.edu/cme/>

E4-B.



# CASE WESTERN RESERVE

May 11, 2010

Peggy A. Harris  
Director of Public Filing  
NJ State Board of Medical Examiners  
PO Box 183  
Trenton, NJ 08625-0183

Dear Ms. Harris:

Thank you for referring Dr. MaryAnn Ager to our Intensive Course in Controlled Substance Management. She participated in the course and received a certificate of attendance for 37.0 hours of *AMA PRA Category 1 Credit™*. Dr. Ager was an active participant in the case discussion sessions and demonstrated skills in each of the role-play sessions. If you are interested in pre-test and post-test evaluation scores, please let us know and we will forward those to you when they are available.

Thank you again for supporting our Intensive Course in Controlled Substance Management. If you have questions, comments, or feedback for us about the course please do not hesitate to call any time. We will be offering the intensive course twice in the upcoming calendar year (once in the late spring and once in the late fall). In addition we offer intensive courses in Medical Record Keeping, Managing Difficult Communications in Medical Practice, and Medical Ethics, Boundaries and Professionalism. If you would like information about any of these courses, please contact us at 216-983-1239 or visit us at <http://casemed.case.edu/cme/>.

Sincerely yours,

Ted Parran Jr., MD, FACP  
Medical Director  
Continuing Medical Education Program  
Case Western Reserve University School of Medicine

CC: MaryAnn Ager, MD



**Laurie Deerfield, D.O. LLC**

General and Addiction Psychiatry  
Psy.D, AOBFP, AOBNP, ASAM, ABAM

Glendale Executive Campus  
1000 White Horse Road  
Suite 704  
Voorhees, NJ 08043

Telephone (856) 770-0021  
Fax (856) 770-9521

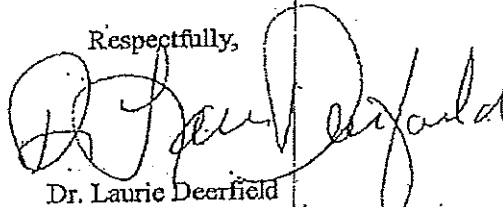
January 21, 2010

Attn: New Jersey State Board of Medical Examiners Board

Re: Dr. Mary Ann Ager

I am writing to inform you that I met with Dr. Mary Ann Ager on January 21, 2010 to discuss serving as approving psychiatrist for any cases of stimulant medications she may prescribe in the immediate future. During our meeting we reviewed and discussed several pending cases. I have been given a copy of her consent order, and have agreed to serve in this role, as outlined in the order. To my awareness, she has not written any stimulant prescriptions of late. It is my observation, based on our meeting and conversations, that Dr. Ager is eager to comply with any and all of the Board's requests. Please feel free to contact me if there are any questions or concerns.

Respectfully,



Dr. Laurie Deerfield

Diplomate of American Osteopathic Board of Family Practice  
Diplomate of American Osteopathic Board of Psychiatry and Neurology  
Certified in Addiction Medicine by American Society of Addiction Medicine  
Diplomate of the American Board of Addiction Medicine

# Laurie Deerfield, D.O. LLC

General and Addiction Psychiatry  
Psy.D, AOBFP, AOBNP, ASAM, ABAM

Glendale Executive Campus  
1000 White Horse Road  
Suite 704  
Voorhees, NJ 08043

Telephone (856) 770-0021  
Fax (856) 770-9521

September 1, 2010

Attn: New Jersey Board of Medical Examiners

Re: Dr. Mary Ann Ager

---

Please be advised that I have been serving as the supervising psychiatrist for Dr. Ager. I am writing to inform the Board that Dr. Ager has complied with the Board's request, and has successfully completed the requested supervisory period from the date of filing her consent order on August 19, 2009. I have reviewed cases with her in which she has prescribed medications as detailed in her consent order. I have observed Dr. Ager to be quite conscientious in her approach to patient care. All records of the aforementioned cases have been returned.

Please contact my office if you have any questions or concerns.

Respectfully,



Dr. Laurie Deerfield

Diplomate of American Osteopathic Board of Family Practice  
Diplomate of American Osteopathic Board of Psychiatry and Neurology  
Certified in Addiction Medicine by American Society of Addiction Medicine  
Diplomate of the American Board of Addiction Medicine

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
1/20/2010	3149

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Visa	496876	1-20-10

Description	Amount
One Hour Initial Evaluation	350.00
MC/Visa	-350.00
Paid, Thank You	<b>Total</b> \$0.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
2/3/2010	3178

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	371	2/3/10

Description	Amount
Supervision	250.00
Paid, Thank You	<b>Total</b> \$250.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021  
Fax: (856)770-9521

NPI# 1831244110  
Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
2/16/2010	3226

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	366	2-16-10

Description	Amount
One hour of Supervision	250.00
Paid, Thank You	<b>Total</b> \$250.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
3/4/2010	3305

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	369	3/4/2010

Description	Amount
One Hour of Supervision	250.00
Paid, Thank You	<b>Total</b> \$250.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021      NPI# 1831244110  
Fax: (856)770-9521      Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
3/25/2010	3385

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	373	3-25-10

Description	Amount
SUPERVISION	250.00
Paid, Thank You	<b>Total</b> \$250.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
5/13/2010	3553

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	379	5-13-10

Description	Amount
Supervision	250.00
Paid in Full	<b>Total</b> \$250.00



Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

# Sales Receipt

Date	Sale No.
6/10/2010	3682

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	381	6-10-10

Description	Amount
Supervision	250.00
Paid in Full	<b>Total</b> \$250.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
7/8/2010	3778

Dr. Mary Ann Ager  
10 Dunbarton road  
Cherry Hill, NJ 08003

Payment Method	Check No./Appr. ...	DOS
Check	386	7-8-10

Description	Amount
SUPERVISION	250.00
Paid in Full	<b>Total</b> \$250.00

Laurie Deerfield, D.O. LLC

Glendale Executive Campus  
1000 Whitehorse Rd Suite 704  
Voorhees, NJ 08043

Phone: (856)770-0021 NPI# 1831244110  
Fax: (856)770-9521 Tax ID# 20-5068987

## Sales Receipt

Date	Sale No.
8/20/2010	3992

Dr. Mary Ann Ager  
10 Denbarton road  
Cherry Hill, NJ 08003

Payment Method		Check No./Appr. ...	DOS
Check		388	8/20/2010
Description		Amount	
Supervision		250.00	
Paid, Thank You		Total	\$250.00

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs**

**vs.**

**Mary Ann Ager, M.D.  
Respondent**

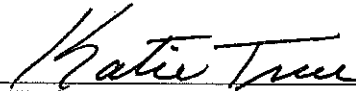
**:**  
**:**  
**:** Docket No.: 0015-49-10  
**:**  
**:**  
**:** File No.: 09-49-09555  
**:**  
**:**

**ORDER**

*AND NOW*, this 27<sup>th</sup> day of March 2012, the **STATE BOARD OF MEDICINE** ("Board") adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**



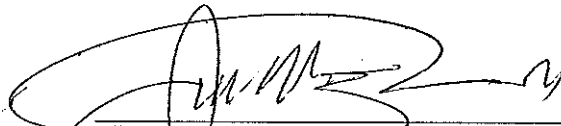
Katie True  
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing:

**BY ORDER:  
STATE BOARD OF MEDICINE**



James W. Freeman, M.D.  
Chair

Anita P. Shekletski, Esquire  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105-2649

Jacqueline Genesio Lux, Esquire  
Weber Gallagher Simpson Stapleton Fires &  
Newby, LLP  
2000 Market Street, 13<sup>th</sup> Floor  
Philadelphia, PA 19103

March 29, 2012