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

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Department of State

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

vs.

**Jay S. Bonovitz, M.D.,
Respondent**

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: Docket No. 1166-49-06
: File No. 05-49-01065
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:
:

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.

2. At all relevant and material times, Jay S. Bonovitz ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, license no. MD-014885-E.

3. Respondent admits that the following facts are true:

a. Respondent's license is current through December 31, 2006, but may be renewed 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 214 Derwen Road, Merion Station, PA 19066.

c. Respondent practices medicine as a psychiatrist.

d. During the period of 1993-1994, Respondent provided psychiatric care to patient P.G.

e. Diagnoses annotated by the Respondent for patient P.G. for the psychiatric care referenced in paragraph 3d include Mixed Drug Abuse Described in the Past.

f. During the period of 2003-2004, patient P.G. returned to the psychiatric care of the Respondent.

g. During the period of January 2004 through June 2004, Respondent prescribed Desoxyn to patient P.G.

h. On or about May 7, 2004, Respondent wrote prescriptions for Desoxyn to patient P.G.

i. Desoxyn is a DEA Schedule II controlled substance also known as Methamphetamine.

j. As referenced in paragraph 3h, the Respondent dated a prescription written for Desoxyn to patient P.G. on or about May 7, 2004 with the date of June 7, 2004.

k. The prescription referenced in paragraph 3h is for Desoxyn 5 mgm; Disp #240; Sig: 4 tabs p.o. b.i.d. A prescription dated a month later, 6/7/04, is exactly the same as the above-referenced prescription, and is attached to a 5/7/04 Progress Note, with lines through the written text.

4. The actions of Respondent, described above, violated the Act at 63 P.S. §422.41(8)(ii) in that Respondent departed from, or failed to conform to, standards of acceptable and prevailing medical practice.

5. Intending to be legally bound, the participants consent to issuance of the following Order in settlement of this matter:

a. Respondent shall pay a **CIVIL PENALTY** of \$2000.00 by cashier's check, certified check, U.S. Postal money order or attorney's check, valid no less than 90 days from date of issuance and made payable to "Commonwealth of Pennsylvania." Respondent shall return the full Civil Penalty with the signed Consent Agreement.

b. Respondent shall complete ten (10) hours of continuing medical education (CME) credits which shall be taken from the following course(s) or its equivalent within six (6) months of the issuance of this Order:

(i) Prescribing and Administering Controlled Substances

c. The ten (10) hours of continuing education in this Order shall be completed in addition to the hours that Respondent shall take in this or subsequent reporting periods for the renewal of his license. Credit hours required in this Order may not be used from any previous reporting period and may not be used in any subsequent biennial period for the renewal of license.

6. 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; the right 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.

7. 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.

8. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.


9. 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.


10. This agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent

understands that statements in this Agreement are made subject to the criminal penalties of 18

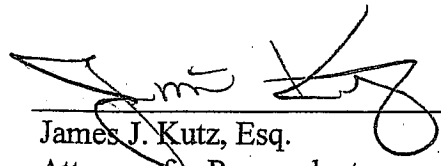
Pa.C.S. §4904 relating to unsworn falsification to authorities.


Keith E. Bashore, Esq.
Prosecuting Attorney
Department of State


Jay S. Bonovitz, M.D.
Respondent

DATED: 2/21/07

DATED:


James J. Kutz, Esq.
Attorney for Respondent

DATED: 2/13/07

ORDER


AND NOW, this 27th day of MARCH, 2007, the State Board of Medicine 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.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE



Basil L. Merenda
Commissioner



Charles D. Hummer, M.D.
Chairman

Date of mailing:

March 28, 2007

File No. 05-49-01065

For the Commonwealth:

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