



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

March 19, 1997

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Lawrence J. Jaffe, M.D.
5608 Mill Peak Road
San Diego, California 90064

RE: License No. 130273

Dear Dr. Jaffe:

Enclosed please find Order #BPMC 97-67 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Henry Fenton, Esq.
11845 West Olympic Boulevard
Suite 1000
Los Angeles, California 90064

Frederick Zimmer, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : APPLICATION
OF : FOR
LAWRENCE JAY JAFFE, M.D. : CONSENT
RESPONDENT : ORDER

-----X
BPMC #97-67

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.:

LAWRENCE JAY JAFFE, M.D., being duly sworn, deposes and says:

That on or about March 18, 1977, I was licensed to practice medicine as a physician in the State of New York, having been issued License No. 130273 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the second specification of misconduct set forth in the attached Statement of Charges (Exhibit A) in full satisfaction of the charges against me.

I hereby agree to the penalty that my license to practice medicine in New York State shall be suspended until such time as I notify the Director of the Office of Professional Medical Conduct (OPMC) that I am commencing medical practice in New York State. At that time, I shall be placed on probation for a period of five years in accord with the Terms of Probation which are annexed hereto and marked as Exhibit B. I agree to comply with the Terms of Probation (Exhibit B).

I shall submit written proof from the Division of Professional Licensing Services (DPLS) of the New York State Education Department (NYSED), that I have paid all registration fees due and owing to the NYSED, said proof from DPLS to be submitted by me to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Hedley Park Place, 4th floor, 433 River Street, Troy, New York 12180 no later than thirty (30) days from the effective date of the Order granting this Application.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding

upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Lawrence Jay Jaffe

LAWRENCE JAY JAFFE, M.D.
RESPONDENT

STATE OF CA
County of San Diego
Sworn to before me this

2 day of March, 1997.

Martha C Gomez
NOTARY PUBLIC

Commission Expires 8-27-2000



STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

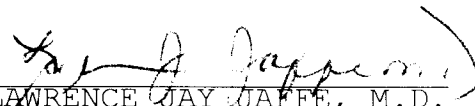
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IN THE MATTER : APPLICATION
OF : FOR
LAWRENCE JAY JAFFE, M.D. : CONSENT
RESPONDENT : ORDER


-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 3/2/97


LAWRENCE JAY JAFFE, M.D.
RESPONDENT

DATE: 2-27-97


HENRY FENTON, ESQ.
ATTORNEY FOR RESPONDENT

DATE: March 4, 1997 Frederick Zimmer, Esq.
FREDERICK ZIMMER, ESQ.
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: March 12, 1997 Anne Saile
ANNE F. SAILE
DIRECTOR
Office of Professional Medical
Conduct

DATE: 13 March 1997 Charles J. Vacanti
CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

ORDER

Upon the proposed agreement of LAWRENCE JAY JAFFE, M.D. (Respondent) for Consent Order, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATED: 13 March 1997

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER : STATEMENT
OF : OF
LAWRENCE JAY JAFFE, M.D. : CHARGES

-----X

LAWRENCE JAY JAFFE, M.D., the Respondent, was authorized to practice medicine in New York State on March 18, 1977 by the issuance of license number 130273 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. By a Stipulated Settlement and Disciplinary Order, dated June 4, 1996, entered into by Respondent and the Medical Board of California (hereinafter the "California Board"), the California Board ordered that Respondent's Physician's and Surgeon's Certificate #A32274 would be revoked. Revocation was stayed and Respondent was placed on five years probation pursuant to terms and conditions including, among other things, requirements that Respondent submit to biological fluid testing, that he participate in the Diversion Program of the Division of Medical Quality, that he enroll in an ethics course approved by the Division of Medical Quality, that he pass a designated oral clinical or written examination, that he undergo a psychiatric evaluation, and that his practice be monitored.

EXHIBIT A

B. The conduct resulting in the California Board's disciplinary action against Respondent is described in the California Board's Accusation No. 10-92-22793 and included Respondent's having subjected his license to disciplinary action under the following sections of the California Business and Professions Code;

1. California Business and Professions Code §2234(b) and (c) [gross negligence and repeated negligent acts] in that;

- a. Respondent used M.F. to fraudulently obtain drugs for another person.
- b. Respondent took advantage of his therapeutic relationship with M.F. to obtain drugs for his own purposes.
- c. Respondent took advantage of his therapeutic relationship with M.F. by having her testify at his Judicial Review Hearing.

2. California Business and Professions Code §2234(e) [acts involving dishonesty or corruption substantially related to his qualifications, functions or duties as a physician] in that:

- a. Respondent took advantage of his therapeutic relationship with M.F. to obtain drugs for his own purposes.
- b. Respondent wrote a prescription using a false name.
- c. Respondent refilled a prescription five times using a false name.

3. California Business and Professions Code §2239 [use or self-administration of a controlled substance, specified dangerous drugs or alcoholic beverages to the extent, or in such a manner as to be dangerous or injurious to the licensee, other person or the public, or that such use impairs the licensee's ability to safely practice medicine] in that:

- a. Respondent self-administered Valium without having been prescribed Valium by a treating physician.
- b. Respondent self-administered Marijuana.

4. California Business and Professions Code §2261 [knowingly making or signing a document related to the practice of medicine with false representations] in that:

- a. Respondent falsely and fraudulently wrote a prescription using a name other than that of the person for whom intended.
- b. Respondent refilled a prescription five times using a false name.

5. Respondent's license was also subjected to disciplinary action pursuant to California's Health and Safety Code §11173 [obtaining controlled substances or procuring or attempting to procure the administration of or prescription for controlled substances by fraud, deceit, misrepresentation, subterfuge or concealment of a material fact] in that:

- a. Respondent falsely and fraudulently wrote a prescription using a patient's name other than that of the person for whom intended.
- b. Respondent refilled a prescription five times using a false name.

C. The conduct resulting in the California Board's disciplinary action against Respondent also included Factual Allegations contained in California's Accusation #10-92-22793 which were admitted to by Respondent. These admitted Factual Allegations include paragraphs 5.B, 5.D, 5.E, 5.F, 5.G, 5.H, 5.I and 5.J and paragraphs 5.A (in part) and 5.C (in part) of the aforementioned Accusation.

D. The conduct resulting in the California Board's disciplinary action against Respondent and/or the conduct which Respondent admitted to, would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. N.Y. Education Law Section 6530 (2) (McKinney Supp. 1997) - [practicing the profession fraudulently]; and/or
2. N.Y. Education Law Section 6530 (3) (McKinney Supp. 1997) - [practicing the profession with negligence on more than one occasion]; and/or
3. N.Y. Education Law Section 6530 (4) (McKinney Supp. 1997) - [practicing the profession with gross

- negligence on a particular occasion]; and/or
4. N.Y. Education Law Section 6530 (7) (McKinney Supp. 1997) - [practicing the profession while impaired by alcohol, drugs, physical disability or mental disability]; and/or
 5. N.Y. Education Law Section 6530 (8) (McKinney Supp. 1997) - [being a habitual user of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects].

FIRST SPECIFICATION

Respondent is guilty of violating N.Y. Education Law 6530 (9) (b) (McKinney Supp. 1997) by reason of his having been found guilty of improper professional practice or professional misconduct by the duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges the following:

1. The facts in paragraphs A, B, B.1, B.1.a, B.1.b, B.1.c, B.2, B.2.a, B.2.b, B.2.c, B.3, B.3.a, B.3.b, B.4, B.4.a, B.4.b, B.5, B.5.a, B.5.b, C, D, D.1, D.2, D.3, D.4 and/or D.5.

SECOND SPECIFICATION

Respondent is guilty of professional misconduct under N.Y. Education Law 6530 (9) (d) (McKinney Supp. 1997) by reason of his having had disciplinary action taken against him by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs A, B, B.1, B.1.a, B.1.b, B.1.c, B.2, B.2.a, B.2.b, B.2.c, B.3, B.3.a, B.3.b, B.4, B.4.a, B.4.b, B.5, B.5.a, B.5.b, C, D, D.1, D.2, D.3, D.4 and/or D.5.

DATED: *January 15,* 1997
Albany, New York



PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. LAWRENCE JAY JAFFE, M.D., the Respondent, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 4th Floor, 433 River Street, Troy, New York 12180; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by a local, state or federal agency, institution or facility, within thirty (30) days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits

with Respondent and his staff at practice locations or OPMC offices.

7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
8. Respondent shall remain drug/alcohol free.
9. Respondent shall remain active in self-help groups such as, but not limited to, Narcotics Anonymous, Alcoholics Anonymous and Caduceus.
10. Respondent shall notify all treating physicians of any personal history of alcohol/chemical dependency. Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
11. Respondent shall practice only when monitored by qualified health care professional monitors ("sobriety monitor", "practice supervisor" and "therapist") proposed by Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.
12. Respondent shall ensure that the monitors are familiar with any dependency of Respondent on drugs/alcohol and that they are familiar with the terms of this Order. Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. Respondent shall cause the monitors to submit required reports on a timely basis.
13. Respondent shall submit, at the request of a monitor, to random, unannounced observed blood, breath and/or urine screens for the presence of drugs/alcohol. This monitoring will be on a random, seven-days (7) a week, twenty-four (24) hours a day basis. Respondent shall report for a drug screen within four (4) hours of being contacted by the monitor. Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by Respondent or a test is positive for any unauthorized substance.
14. Respondent shall meet with a sobriety monitor on a regular basis who will submit quarterly reports to OPMC certifying Respondent's sobriety. These reports are to include a) forensically valid results of all drug/alcohol monitoring tests to be performed at a frequency of no less than four (4) times per month for the first twelve (12) months of the period of probation, then at a frequency to be proposed by the sobriety monitor and approved by OPMC and b) an assessment of self-help group attendance (e.g. AA/NA/Caduceus, etc.), twelve (12) step progress, etc.

15. Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. Respondent shall not practice medicine until a practice supervisor has been approved. Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess Respondent's medical practice. Respondent shall cause the practice supervisor to report within twenty-four (24) hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
16. Respondent shall cause the practice supervisor to review Respondent's practice regarding the prescribing, administering, dispensing, inventorying, and disposal of controlled substances.
17. Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of Respondent's medical practice including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.
18. Respondent shall continue in counseling or other therapy with a therapist for as long as the therapist determines is necessary, or for the period of time dictated in the Order.
19. Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether Respondent is in compliance with the treatment plan. Respondent shall cause the therapist to report to OPMC within twenty-four (24) hours if Respondent leaves treatment against medical advice, or displays any symptoms of a suspected or actual relapse.
20. Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.
21. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.