



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Michael A. Gonzalez, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

October 29, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Marilyn R. Jammer, M.D.
3709 Ocean Boulevard
Brant Beach, NJ 08008

Re: License No. 152948

Dear Dr. Jammer:

Enclosed please find Modification Order #BPMC 94-26 of the New York State Board for Professional Medical Conduct. This modification order and any penalty provided therein goes into effect November 5, 2004.

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

Sincerely,

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

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

IN THE MATTER
OF
MARILYN R. JAMMER, M.D.

MODIFICATION
ORDER
BPMC No. 94-26

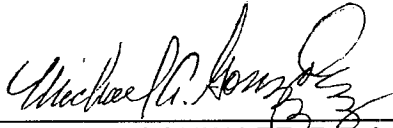
Upon the proposed Application for a Modification Order of **MARILYN R. JAMMER, M.D.**
(Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to
and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED,
and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board,
either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at
the address in the attached Application or certified mail to Respondent's attorney, or upon
transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/28/04


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
MARILYN R. JAMMER, M.D.

APPLICATION TO MODIFY
ORDER BPMC #94-26

MARILYN R. JAMMER, M.D., (Respondent) deposes and says:

That on or about January 7, 1983, I was licensed to practice as a physician in the State of New York, having been issued License No. 152948 by the New York State Education Department.

My current address is 3709 Ocean Blvd., Brant Beach, NJ 08008.

I am currently subject to Order dated February 15, 1994, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order"), that was issued upon an Application for Consent Order signed by me on January 31, 1994, (hereinafter "Application"), adopted by the Original Order.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the language in the original order that states:

"I hereby agree to a penalty of a suspension of my license to practice medicine for a period of two years, said suspension to be stayed, and that I shall further be placed on probation for a period of two years under the terms set forth in Exhibit B, hereto attached. This period of probation shall be tolled until such time as the Director of the Office of Professional Conduct may be advised, in writing, that I have commenced a medical practice within New York State. "

substituting therefore:

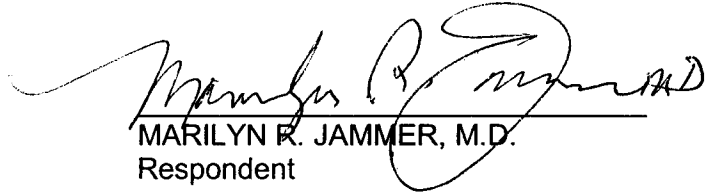
"I, agree, hereby, to never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state."

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive any right I may have to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

AFFIRMED:

DATED: 10/9/04


MARILYN R. JAMMER, M.D.
Respondent

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

DATE: 20 October 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 26 October 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

-----X

IN THE MATTER :

OF :

MARILYN R. JAMMER, M.D. :

ORDER

BPMC #94-26

-----X

Upon the application of Marilyn R. Jammer M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions thereof
are hereby adopted and so ORDERED, 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.

SO ORDERED,

DATED: 15 February 1994

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

I admit that the New Jersey State Board of Medical Examiners, a duly authorized professional disciplinary agency, took disciplinary action against my license to practice medicine in the State of New Jersey pursuant to a Consent Order dated August 7, 1992.

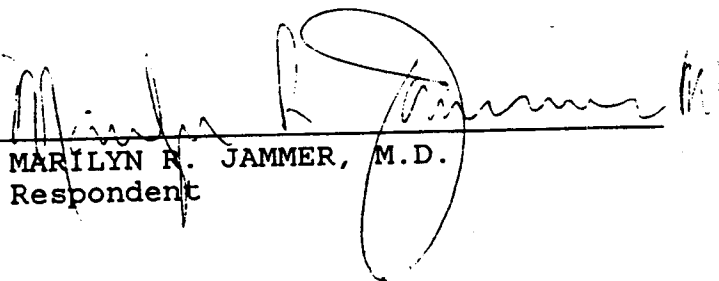
I hereby agree to a penalty of a suspension of my license to practice medicine for a period of two years, said suspension to be stayed, and that I shall further be placed on probation for a period of two years under the terms set forth in Exhibit B, hereto attached. This period of probation shall be tolled until such time as the Director of the Office of Professional Conduct may be advised, in writing, that I have commenced a medical practice within New York State.

I hereby make this application to the Board and request that it be granted.

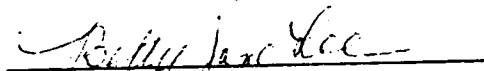
I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict 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 may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.


Marilyn R. JAMMER, M.D.
Respondent

Sworn to before me this
31st day of January, 1994.


NOTARY PUBLIC
BETTY JANE LEE

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires March 27, 1995

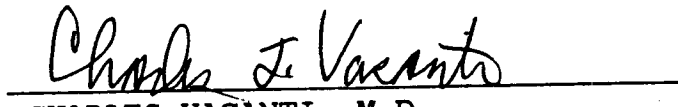
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

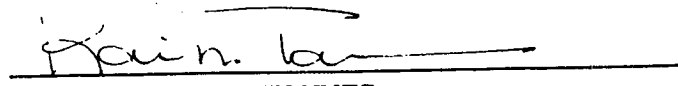
IN THE MATTER : APPLICATION
OF : FOR
MARILYN R. JAMMER, M.D. : CONSENT
: ORDER

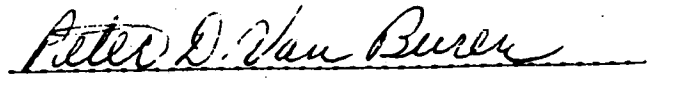
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 1-31-94 
MARILYN R. JAMMER, M.D.
Respondent

Date: 2-2-94 
ROBERT SAVAGE, ESQ.
Attorney for Respondent

Date: 15 February 1994 
CHARLES VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

Date: Feb. 15, 1994 
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 2/8/94 
PETER D. VAN BUREN
Deputy Counsel
Office of Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MARILYN R. JAMMER, M.D. : CHARGES

-----X

MARILYN R. JAMMER, M.D., the Respondent, was authorized to practice medicine in New York State on January 7, 1983 by the issuance of license number 152948 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine. Her current address is 901 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

FACTUAL ALLEGATIONS

A. On August 7, 1992, the New Jersey Board of Medical Examiners, a duly authorized professional disciplinary agency, entered into a Consent Order with the Respondent and ordered that disciplinary action be taken against the Respondent's license to practice medicine in the State of New Jersey.

1. On or about May 3, 1991, the New Jersey Board of Medical Examiners charged the Respondent with dispensing which was gross and repeated malpractice, negligence and incompetence in violation of N.J.S.A.

45:1-21(c) and N.J.S.A. 45:9-16(h), professional misconduct in violation of N.J.S.A. 45:1-21(e), indiscriminate prescribing and prescribing with reasonable knowledge of use for unauthorized or illicit consumption in violation of N.J.S.A. 45:1-13, and impermissible prescribing in violation of N.J.A.C. 13:35-6.16, and was thus the basis for disciplinary sanction pursuant to N.J.S.A. 45:1-21(h). Said conduct was charged to further demonstrate the absence of good moral character, a continuing requirement for licensure pursuant to N.J.S.A. 45:9-6. The charges were based upon Respondent's prescribing of Fiorinal #3 with codeine and/or Diazepam without medical indication for two undercover investigators posing as patients on eight different occasions during a ten week period between December, 1990 and February, 1991.

2. Respondent entered into an Interim Consent Order with the New Jersey Board of Medical Examiners on or about June 19, 1991 in which she was ordered to surrender her New Jersey and Federal Drug Enforcement Administration registrations, to not prescribe or dispense any controlled dangerous substance and to employ a practice monitor to review at least twenty-five patient records per week.
3. The New Jersey Board, in its Consent Order dated August 7, 1992, ordered that Respondent be reprimanded for prescribing controlled substances in a manner inconsistent with accepted medical practice. In addition, she was ordered to pay a civil penalty of two thousand dollars (\$2500) plus costs of investigation.
4. Respondent's conduct would have constituted professional misconduct in New York State pursuant to New York Education Law §6530(2), (3) and/or (5); i.e. practicing the profession fraudulently or beyond its authorized scope, practicing the profession with negligence on more than one occasion and practicing the profession with incompetence on more than one occasion.

SPECIFICATION OF CHARGES

HAVING HAD DISCIPLINARY ACTION TAKEN
BY ANOTHER STATE

Respondent is charged with professional misconduct in violation of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1994) in that Respondent had disciplinary action taken against her license to practice medicine by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such 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 and A.1, A.2, A.3 and/or A.4.

DATED: Albany, New York

January 12, 1994

Peter D. Van Buren

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

TERMS OF PROBATION

1. That Respondent, during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with or any other violation of probation proceeding and/or such other proceeding may be initiated

against Respondent pursuant to the Education Law, Rules of the Board of Regents and/or Public Health Law.

6. During the period of probation, the Director of the Office of Professional Medical Conduct, or her designee, may review the professional performance of the Respondent. This review may include, but not be limited to, a random selection of office records, patient medical and/or billing records, hospital charts, and interviews with or periodic visits with the Respondent at his office location or at the offices of the Office of Professional Medical Conduct.