

Public

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

BPMC No. 13-37

IN THE MATTER

OF

CHERYL ACKERMAN, M.D.  
CO-12-07-3704-A

COMMISSIONERS  
SUMMARY  
ORDER

TO: Cheryl Ackerman, M.D.  
[REDACTED]

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the New Jersey State Medical Board Examiners, has made a finding substantially equivalent to a finding that the practice of medicine by **CHERYL ACKERMAN, M.D.**, Respondent, New York license number 171040, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Order of Automatic Suspension of License, dated February 21, 2012, and allied papers, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **CHERYL ACKERMAN, M.D.** shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.**

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Colorado.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the New Jersey State Medical Board Examiners proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

**RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, RIVERVIEW CENTER, 150 BROADWAY, SUITE 510, ALBANY, NY 12204-2719, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON**

SUCH CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATE: Albany, New York  
Feb 20, 2013

  
Nirav R. Shah, M.D., M.P.H.  
Commissioner of Health  
New York State Department of Health

Inquires should be directed to:

Jude B. Mulvey  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark New Jersey 07101  
Attorney for State Board of Medical Examiners

**FILED**

February 21, 2012

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Meaghan Goulding  
Deputy Attorney General  
(973) 648-4741

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

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

CHERYL ACKERMAN, M.D.  
LICENSE NO.: 25MA06096100

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

Administrative Action

**ORDER OF  
AUTOMATIC SUSPENSION  
OF LICENSE**

This matter was most recently opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of a letter dated February 14, 2012 from Louis E. Baxter, M.D., FASAM, Executive Medical Director of the Professional Assistance Program of New Jersey ("PAP"), which gave notice that Respondent, Cheryl Ackerman, M.D., is non-compliant with the Private Letter Agreement that she had entered into with the Board on October 24, 2011 and with the recommendations of the PAP. Specifically, Respondent has failed to provide the requested psychiatric reports to the PAP and has refused to undergo an independent psychiatric evaluation. Additionally, the PAP has expressed its concerns about Respondent's overall fitness to practice.

**CERTIFIED TRUE COPY**

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Respondent entered into a Private Letter Agreement with the Board on October 24, 2011 after the Board found that it had serious concerns about her professional practice and mental health. Among the items agreed to between Respondent and the Board was Respondent's continued enrollment in the PAP and full compliance with all the recommendations of the PAP. A copy of the PLA is attached.

Pursuant to Paragraph 4 of the October 24, 2011 PLA, Respondent consented

that upon reliable information of any failure to comply with any terms of this private letter agreement or failure to follow any recommendation of the PAP or your therapist, the Board may automatically suspend your license to practice medicine in New Jersey and initiate disciplinary action based on the facts that gave rise to this private letter.

In addition, pursuant to Paragraph 5 of the October 24, 2011 Private Letter Agreement, Respondent consented that

in the event of an allegation of a violation of this agreement the document will become public and may be utilized in any proceeding regarding licensure.

The Board finding Respondent in violation of the October 24, 2011 agreement, in that she has been non-compliant with the Board and the PAP by refusing to provide requested psychiatric reports to the PAP and has refused to undergo an independent psychiatric evaluation, and it further appearing that the Board finding the within Order is adequately protective of the public health, safety, and welfare,

IT IS ON THIS 21st DAY OF February, 2012,

ORDERED:

1. The license of Respondent Cheryl Ackerman, M.D. to practice medicine and surgery in this State is hereby actively suspended. Respondent shall immediately cease and desist any practice of medicine and surgery in this State.

2. Upon receipt of a filed copy of this Order, Respondent shall return her original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

3. Upon receipt of a filed copy of this Order, Respondent shall return her original CDS registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

4. Upon receipt of a filed copy of this Order, Respondent shall immediately advise the DEA of this Order and forward a copy of this Order.

5. Respondent shall comply with the attached directives for physicians who are disciplined or whose surrender of licensure has been accepted by the Board, which are incorporated herein by reference.

6. The entry of this Order is without prejudice to further action, investigation or restrictions upon any reinstatement, by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement resulting from Dr. Ackerman's conduct prior to the entry of this Order.

7. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the information received regarding her violation of the agreement was materially false.

8. In the event Respondent wishes to petition the Board for reinstatement of her license to practice medicine in the State of New Jersey, she shall appear personally before the

Board or a Committee of the Board and demonstrate to the satisfaction of the Board that she is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare. At the appearance Respondent shall provide at a minimum reports from all mental health professionals who have participated in Respondent's care and/or treatment during the period of time during her suspension, and a report from the PAP detailing the nature and extent of her involvement with that entity, if any. She shall also submit documentation, if any, of all continuing medical education she has completed during his inactive status. Respondent shall be prepared to discuss her readiness to re-enter the practice of medicine. At that time she shall be prepared to propose her future plans for practice and affirmatively establish her fitness, competence, and capacity to re-enter the active practice of medicine and surgery in New Jersey. Following its review of all the relevant documents and submissions, the Board, in its sole discretion, will determine whether the Respondent is physically and psychologically fit to practice medicine and surgery in the State of New Jersey.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

Paul T. Jordan, M.D.  
President

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CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Medical Examiners  
P.O. Box 183, Trenton, NJ 08625-0183



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

FILED

OCTOBER 24, 2011

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

For Delivery Services:  
140 East Front St.  
PO Box 183, 3rd Floor  
Trenton, NJ 08608  
(609) 826-7100  
(609) 826-7117 FAX

Cheryl Ackerman, MD

REDACTED

NOT A PUBLIC RECORD

RE: I/M/O Cheryl Ackerman, M.D./Private Letter Agreement

Dear Dr. Ackerman:

As you are aware, the State Board of Medical Examiners has undertaken an investigation premised upon multiple patient complaints alleging possible substance abuse, impairment, fraud, professional misconduct and incompetence as well as a report from the Professional Assistance Program (PAP) that you have been noncompliant, have not seen a psychotherapist for recommended follow-up, and have failed to cooperate with Board requests for copies of patient records. The Board considered the following prior to a determination to enter a private letter agreement:

1. Consumer Complaints regarding your care and treatment of B [REDACTED], B [REDACTED], M [REDACTED] P [REDACTED], C [REDACTED] H [REDACTED], D [REDACTED] S [REDACTED] and S [REDACTED] L [REDACTED];
2. Dr. Ackerman's office medical records of [REDACTED] B [REDACTED], M [REDACTED] P [REDACTED], C [REDACTED] H [REDACTED], D [REDACTED] S [REDACTED] and S [REDACTED] L [REDACTED];
3. Dr. Ackerman's written response to complaints regarding her care and treatment of M [REDACTED] P [REDACTED], C [REDACTED] H [REDACTED], D [REDACTED] S [REDACTED] and S [REDACTED] L [REDACTED];
4. Letter from Paul T. Jordan, M.D., President Board of Medical Examiners to Dr. Ackerman dated December 30, 2010.
5. Letter from Executive Director Roeder to Dr. Ackerman dated January 6, 2011



6. Dr. Ackerman's letters to the Board dated January 8, 2011 and April 7, 2011.
7. Letters from the PAP to Executive Director Roeder dated January 26, 2011 and April 5, 2011
8. Letter from the PAP to Joseph Gorrell, Esq. Dated July 20, 2011
9. Letter dated July 7, 2011 from Mark P. Faber, M.D.
10. Letter dated July 12, 2011 from Ben J. Susswein, Ph.D.
11. Dr. Ackerman's sworn testimony before the Preliminary Evaluation Committee on July 27, 2011.

The Board has concluded that there have been serious allegations regarding your professional conduct, and while we do feel entry of this private letter is protective at this time, we reserve the right to reopen these consumer complaints and take further action, including disciplinary action, upon receipt of any new complaints of a similar nature or any non-compliance with this private letter agreement. The Board is concerned about your apparent denial of diagnoses by multiple therapists of [REDACTED]

[REDACTED] need to engage in counseling. In your written response to the complaints regarding patients S [REDACTED] L [REDACTED], D [REDACTED] S [REDACTED] and M [REDACTED] P [REDACTED] you referred to yourself in both the first and third person. During your appearance before the Board, you were often unable to answer questions directly, especially questions regarding psychotherapy and patient complaints regarding your alleged erratic behavior. Additionally, it is the Board's opinion that anxiety was interfering with your ability to focus during your appearance. This inability to focus on a task could adversely affect the quality of care and may explain some of the patient complaints alleging inappropriate or erratic behavior or conversation.

The Board has determined that its concerns with regard to any possible risk of harm to your patient population would be satisfactorily addressed by your representation to comply with certain requirements, as commemorated by your entry into this private letter agreement.

Specifically, you have agreed that:

1. You will continue enrollment in the PAP and you will comply fully with all

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recommendations of the PAP. You will obtain the agreement of the PAP via a signature of its representative on this Agreement to notify the Board within 24 hours of its receipt of information of any noncompliant behavior, including but not limited to failure to appear for any scheduled appointment or any discontinuance of the PAP program whether initiated by Respondent or by the PAP. You expressly waive any claim to privilege or confidentiality that you may have concerning reports and disclosures to the Board, and use by the Board of that information in any license proceedings, including reports and disclosures by the PAP, or any other person or entity involved in your treatment plan as outlined by the PAP. All costs associated with the monitoring outlined above shall be the responsibility of, and paid directly by, you.

2. You will engage in regular therapy with a therapist pre-approved by the Board and the PAP and follow all recommendations of your therapist. Regular therapy means that you will meet with your therapist no less than once per week for at least 3 months, and then at frequency to be determined by your therapist after discussion with the PAP.
3. You consent to the Board providing directly to the PAP and your therapist copies of this private letter agreement and all documents listed above.
4. You will comply fully with any Board request for information within 10 days of receipt.
5. You will enroll in and complete a course in medical office management that is pre-approved by the Board within six months of entering into this agreement.

You have also indicated that you are aware that upon reliable information of any failure to comply with any terms of this private agreement or failure to follow any recommendation of the PAP or your therapist, the Board may automatically suspend your license to practice medicine in New Jersey and initiate disciplinary action based on the facts that gave rise to this private letter. You may, upon five days notice, request a hearing to contest the entry of such an order. At any such hearing, the sole issue shall be whether any of the information received regarding your violation of the agreement or your relapse was materially false. In addition, the Board reserves the right to bring further disciplinary action.

Your signature on this document indicates the provisions are acceptable to you. This document is not a public document and shall be maintained privately by the Board. However, in the event of an allegation of a violation of this agreement the document will become public and may be utilized in any proceeding regarding licensure. If you consent to entry of this private

letter agreement, please sign the enclosed copy of this letter after consultation with counsel identified below and arrange for it to be signed by Louis E. Baxter, Sr., M.D., FASAM, Medical Director, Professional Assistance Program. It will then be filed in the Board office as a private document. In the event that you have any questions regarding the foregoing, please contact counsel, or if at this time, you are not represented, the DAG indicated below.

Sincerely yours,  
NEW JERSEY BOARD OF MEDICAL EXAMINERS

By: \_\_\_\_\_  
Paul T. Jordan, M.D.  
Board President

I have read and understand  
the above Agreement and I agree  
to be bound by its terms.  
I hereby consent to entry of this  
Private Letter Agreement.

Agreed as to the monitoring and  
reporting requirements of this  
Agreement on behalf of the  
Professional Assistance Program.

\_\_\_\_\_  
Cheryl Ackerman, M.D.

\_\_\_\_\_  
Louis E. Baxter, Sr., M.D., FASAM  
Medical Director  
Professional Assistance Program

Agreed as to form and content:

\_\_\_\_\_  
Joseph Gorrell, Esq.  
Attorney for Cheryl Ackerman, M.D.

cc: William Roeder, Executive Director, Board of Medical Examiners  
Megan K. Cordoma, DAG  
Joseph Gorrell, Esq.