



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

IN THE MATTER OF THE LICENSE OF  
**JAY D. KURIS, M.D.**  
**LICENSE NO. 25MA02542700**  
  
TO PRACTICE MEDICINE AND SURGERY IN  
THE STATE OF NEW JERSEY

Administrative Action  
**ORDER DENYING MOTION TO  
AMEND**

*Overview*

This matter was returned to the New Jersey State Board of Medical Examiners (the "Board") on or about November 21, 2019, upon the filing of a motion by Stephen H. Schechner, Esq., counsel for Jay D. Kuris, M.D., to amend the Board's August 2, 2019, Order ("August Order"), by removing the prohibition on Dr. Kuris' ability to prescribe Controlled Dangerous Substances ("CDS") medications. The August Order restored the license of Dr. Kuris to practice medicine, while, among other provisions, continuing to prohibit Dr. Kuris from prescribing, dispensing or administering any and all CDS to all patients, pending the completion of all plenary proceedings in this matter. See Order Conditionally Reinstating License, In the matter of Jay D. Kuris, M.D., filed August 2, 2019. For reasons set forth below, and previously in the August Order, we deny Dr. Kuris' motion.

**CERTIFIED TRUE COPY**

### *Procedural History*

By way of background, this matter was initially opened before the Board on July 24, 2017, upon the filing of an application seeking the temporary suspension of Dr. Kuris' license, based upon allegations that he engaged in inappropriate and indiscriminate prescribing of CDS, and that he had engaged in gross or repeated acts of negligence and malpractice in his medical practice.<sup>1</sup> On September 1, 2017, following oral argument, we entered an Interim Order Imposing Limitations on Practice, which prohibited Dr. Kuris from prescribing any and all CDS to patients, and required him to submit to a comprehensive assessment of his practice skills.

The skills assessment was conducted by Center for Personalized Education for Professionals ("CPEP") on January 18 and 19, 2018, with a report produced on May 3, 2018. ("2018 CPEP Report"). The 2018 CPEP report identified substantive deficiencies in Dr. Kuris' practice. Based thereon, CPEP opined that if Dr. Kuris were to continue practicing outpatient adult psychiatry, he would need to participate in an educational intervention to address identified

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<sup>1</sup> On August 7, 2017, the Board filed an Order which adjourned the return date for the Order to Show Cause in this matter to August 30, 2017. That Order included a provision prohibiting Dr. Kuris from prescribing any and all CDS pending the completion of the rescheduled hearing and further Order of the Board. See Interim Consent Order, In the matter of Jay D. Kuris, M.D., filed August 7, 2017.

areas of need, to include establishing a relationship with an educational preceptor in adult psychiatry.<sup>2</sup>

On November 2, 2018, the Attorney General filed a renewed petition for the temporary suspension of Dr. Kuris' license to practice medicine, predicated upon: 1) the concerns identified in the 2018 CPEP report, and 2) Dr. Kuris' failure to have complied with recommendations made in said report. Thereafter, the parties agreed to terms memorialized in a December 18, 2018, Consent Order, ("December 2018 Consent Order"), which included, among other provisions, a requirement that Dr. Kuris cease and desist all practice at the close of business on December 19, 2018, unless, by that date, he had secured Board approval of a preceptor to monitor his practice.

The matter again returned to the Board on January 7, 2019, upon the filing of a motion by the Attorney General seeking the immediate suspension of Dr. Kuris' license to practice medicine. That action was predicated upon allegations that Dr. Kuris violated the terms of the December 2018 Consent Order by continuing to practice medicine after December 19, 2018, without a Board-approved preceptor. At a hearing on January 9, 2019, Dr. Kuris conceded that

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<sup>2</sup> The 2018 CPEP Report identified a pattern of deficiencies in the area of Dr. Kuris' CDS prescribing, and concluded that Dr. Kuris would need "100% supervision," such as the type found in a residency program, "while remediating his deficiencies" in CDS prescribing.

he continued to practice medicine past the December 19, 2018, date, without the oversight of a Board-approved preceptor. Based thereon, we entered an Order temporarily suspending Dr. Kuris' license. See Order of Temporary Suspension of License, In the matter of Jay D. Kuris, M.D., filed January 17, 2019.

Following the suspension of his license, Dr. Kuris returned to CPEP on January 28 and 29, 2019, for a re-evaluation that was expressly focused upon and limited to his practice of outpatient adult psychiatry. The new assessment ("2019 CPEP Report") once again identified areas of educational needs and recommended that Dr. Kuris participate in an education intervention, including compliance with an education preceptor, among other provisions. CPEP also developed an Education Plan to address deficiencies in Dr. Kuris' practice.

The matter then returned to the Board on June 5, 2019, upon the filing of a motion Dr. Kuris to vacate the Board's December 18, 2018, and January 17, 2019, Orders, and to restore his license to practice medicine and surgery in New Jersey. The June 5, 2019, motion also sought to restore Dr. Kuris' ability to prescribe CDS. A hearing on Dr. Kuris' motion was held before the Board on July 10, 2019.

For reasons articulated in the August Order, we concluded that satisfactory cause existed to enter an Order reinstating Dr. Kuris' license, expressly subject to Dr. Kuris' compliance with each and



every term and condition of said Order. On the issue of restoration of CDS privileges, however, we found that there was nothing before us that allayed our prior concerns that Dr. Kuris' patients would be at risk were he to be allowed to prescribe CDS, and we therefore found it necessary to continue to prohibit Dr. Kuris from CDS prescribing.

*January 8, 2020, Hearing*

A hearing on Dr. Kuris' motion seeking restoration of his authority to prescribe CDS was held before the Board on January 8, 2020. Deputy Attorney General Kate Calendar appeared for the Attorney General. Mr. Schechner appeared on behalf of Dr. Kuris.

Mr. Schechner argued that because Dr. Kuris was allowed to return to the practice of medicine, he should likewise be granted the ability to prescribe CDS. As he did during the July 10, 2019, hearing, Mr. Schechner offered that the 2019 CPEP Report did not raise any concerns regarding Dr. Kuris' ability to prescribe CDS.<sup>3</sup> Mr. Schechner argued that any concerns the Board may have had regarding Dr. Kuris' prescribing of CDS in 2017 have now all been assuaged by the 2019 CPEP report. Mr. Schechner further argued that

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<sup>3</sup> In support of his argument, Mr. Schechner moved into evidence without objection Exhibits R-1, an October 21, 2019, email correspondence from Alisa Johnson, Director of Program Services for CPEP; and R-2, a September 5, 2019, letter from Ms. Johnson. Both correspondences advised that the 2019 CPEP assessment evaluated Dr. Kuris' ability to prescribe CDS within the context of adult outpatient psychiatry.

numerous safeguards were currently in place, as Dr. Kuris' practice is overseen by CPEP and a preceptor, and noted that no concerns regarding Dr. Kuris' practice have been raised by CPEP or the preceptor.

In her rebuttal, as she did at the July 10, 2019, hearing, DAG Calendar vehemently objected to Dr. Kuris' request that he be permitted to prescribe CDS. DAG Calendar began by noting that the Board heard and denied Dr. Kuris' request for the restoration of his CDS privileges at the July 10, 2019 hearing. She further reiterated that the Board had done so with full consideration of the 2019 CPEP evaluation.

DAG Calendar again recounted that the current matter commenced upon the filing of an eight-count, thirty-six page Verified Complaint, which sought the temporary suspension of Dr. Kuris' license, based, in large part, upon Dr. Kuris' indiscriminate prescribing of CDS. She highlighted that the Complaint specifically included two counts which alleged indiscriminate prescribing of CDS in Dr. Kuris' practice of adult outpatient psychiatry, to include inappropriate prescriptions for Alprazolam and Xanax. DAG Calendar concluded by arguing that there has been no change in circumstances since the Board's July 2019 determination and now, and therefore there was no need for the Board to overturn its earlier determination.

### *Discussion and Conclusion*

We previously considered the issue of restoration of Dr. Kuris' CDS privileges at a July 10, 2019, hearing, and denied that portion of Dr. Kuris' request by an Order filed on August 2, 2019. At that time, we carefully reviewed the 2019 CPEP Report, and we specifically concluded that there was "nothing before us that allays our prior concerns that Dr. Kuris' patients would be at risk, were he to be allowed to presently prescribe CDS." We therefore found "it necessary to continue the complete prohibition on" Dr. Kuris' CDS prescribing.

In support of his motion, Dr. Kuris has submitted an email and a letter from CPEP regarding his 2019 evaluation. Neither the email nor the letter do anything other than contextualize the findings of the 2019 CPEP report. Most significantly, neither document provides any new or additional information (i.e., beyond the information that was included in the 2019 CPEP Report). Nor does either document provide any basis to alter or supersede the conclusions set forth in the 2019 CPEP Report. Accordingly, the Board's prior concerns have not been allayed. We therefore, as we did in July 2019, find it necessary to continue the complete prohibition on Dr. Kuris' CDS prescribing.

WHEREFORE, It is on this 17<sup>th</sup> day of January, 2020

**ORDERED:**

1. Dr. Kuris' November 21, 2019, Motion to Amend the terms of the Board's August 2, 2019, Order is denied.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: **METZGER, Scott E., M.D.**

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Scott E. Metzger, M.D.  
President

**NOTICE OF REPORTING PRACTICES OF BOARD  
REGARDING DISCIPLINARY ACTIONS**

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or Examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website. See <http://njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A. 45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization 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 entered by the Board is provided to the Federation on a monthly basis.

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