

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

This matter was returned to the New Jersey State Board of Medical Examiners ("Board") on September 13, 2023, for consideration whether to grant Dr. Jay D. Kuris' ("Respondent") request that the Board amend terms of prior Orders requiring Dr. Kuris to practice under the oversight of an educational preceptor. Having considered the record in this matter, to include all written submissions and arguments of counsel made before the Board on September 13, 2023, we find good cause exists to grant Dr. Kuris' request that he no longer be required to have his practice overseen by an educational preceptor, and so order herein.

By way of background, this matter was initially opened before the Board on July 24, 2017, upon the Attorney General's filing of an application seeking the temporary suspension of Dr. Kuris' license. That application was predicated upon multiple allegations set forth in a Verified Complaint, to include allegations that Dr. Kuris had engaged in inappropriate and

indiscriminate prescribing of Controlled Dangerous Substances ("CDS"). On September 1, 2017, we imposed restrictions on Dr. Kuris' ability to practice medicine, to include a prohibition against Dr. Kuris prescribing, dispensing and/or administering any and all CDS, and a requirement that he undergo a skills assessment. The matter was then transferred to the Office of Administrative Law ("OAL"), as a contested case, for plenary proceedings (the Board retained limited jurisdiction to consider applications from the parties for modification of the terms of the September 1, 2017 Order following completion of the required assessment). The plenary case remains pending at the OAL.

Following completion of the assessment, Dr. Kuris' license was temporarily suspended on January 9, 2019, as memorialized in a Board Order filed on January 17, 2019, based upon his failure to comply with a December 18, 2018, Consent Order, which among other requirements, required that Dr. Kuris only practice under the oversight of an educational preceptor. Dr. Kuris license was thereafter reinstated in a Board Order filed on August 2, 2019, however Dr. Kuris remained prohibited from prescribing, dispensing and administering all CDS. The August 2, 2019 reinstatement Order additionally imposed a mandate that Dr. Kuris retain a Board-approved educational preceptor, who was to be responsible for reviewing Dr. Kuris' medical records and for preparing and submitting monthly reports to the Board.

This matter then returned to the Board on four separate occasions -- specifically, January 8, 2020, July 14, 2021, December 8, 2021, and November 9, 2022 -- all upon requests by Dr. Kuris to reinstate his ability to prescribe CDS. The first three requests were all denied (see Board Orders filed January 17, 2020, August 4, 2021 and December 14, 2021). On December 23, 2022, following review of an evaluation prepared at the Center for Personalized Education for Professionals ("CPEP") specifically focused on Dr. Kuris' CDS prescribing, and upon evidence that Dr. Kuris had complied with recommendations made therein by CPEP, we granted Dr. Kuris' request to remove the prohibitions on his prescribing, dispensing or administering CDS, however we expressly stated that Dr. Kuris remained subject to the remaining conditions and limitations in the August 2, 2019 Order, specifically his continuing practice under the oversight of an educational preceptor.

This matter was then returned to the Board again on or about January 6, 2023, upon receipt of a request from Respondent's counsel, Stephen Schechner, Esq., that the Board remove the requirement that Dr. Kuris practice under the oversight of an educational preceptor. Dr. Kuris claimed that the Board was aware that he had not practiced under the oversight of an educational preceptor since he had completed the CPEP Educational Program. On or about January 18, 2023, Deputy Attorney General Kate Calendar,

on behalf of the Attorney General, submitted a response requesting clarification from the Board as to whether the Board was aware that Dr. Kuris was practicing without a preceptor and, if so, whether the Board would address Dr. Kuris' request to remove the preceptor requirement. We then scheduled this matter to be heard at our March 8, 2023, meeting, to address Dr. Kuris' request to remove the educational preceptorship requirements, and entertain any cross-motion, or additional reply materials, that the Attorney General might choose to file, to include without limitation any motion for reconsideration of the discontinuation of the prohibition against prescribing CDS in the December 23, 2022, Order and/or any for any relief that the Attorney General might seek for any practice by Respondent that may have occurred in a manner inconsistent with the continuing requirements of the August 2, 2019, Order.

The hearing scheduled for March 8, 2023, was adjourned after an interim agreement was reached by the Attorney General and Dr. Kuris, and approved by the full Board at the March 8, 2023, meeting. The agreement provided that Dr. Kuris' prior educational preceptor, Dr. Gerald Groves, would conduct a record review of fifteen patients seen by Dr. Kuris in January 2023.¹ The agreement

¹ Per the terms of the agreement, the fifteen records were selected randomly, with Dr. Kuris precluded from providing any input into which patient records were to be selected.

further provided that after the records review was completed, Dr. Groves was to produce a written report containing the same degree of specificity included in previous preceptor reports provided to the Board, to include outlining what patients Dr. Kuris saw, specifying what the patients were treated for, detailing how the treatment progressed and whether care provided was appropriate, discussing whether documentation was appropriate, and addressing any other pertinent issues.² The agreement provided that once the report was completed, Dr. Kuris' request for relief from the educational preceptor requirement, and/or any request that the Attorney General might make based on the results of the required report, would be entertained and scheduled to heard at the next available public meeting.

Dr. Groves submitted his report to the Board on or about August 1, 2023, and on or about September 5, 2023, DAG Calendar submitted a request to have the report and the matter be considered by the Board at its September 13, 2023, meeting. DAG Calendar did not object to Dr. Groves' report on grounds of specificity, but requested that Dr. Kuris address concerns noted in Dr. Groves' review. A response was submitted by Mr. Schechner on or about September 8, 2023, addressing DAG Calendar's submission and

² The Attorney General reserved the right to object to the utilization of the report, if it lacked the level of specificity outlined.

requesting that Dr. Kuris be allowed to appear before the Board at the September 13, 2023, meeting.

On September 13, 2023, DAG Calendar appeared on behalf of the Attorney General. Mr. Schechner appeared on behalf of Respondent Dr. Kuris. Mr. Schechner submitted that for the past six years Dr. Kuris had complied with all of what was required of him by the Board and by CPEP. He further argued that Dr. Groves' conclusion following his review of Dr. Kuris' records was that there were no issues with the care Dr. Kuris provided to his patients. Mr. Schechner added that although Dr. Groves was not acting as Dr. Kuris' preceptor following completion of the CPED educational program, the relationship between Dr. Kuris and Dr. Groves had not been severed. Rather, Mr. Schechner asserted that the relationship continued with Dr. Kuris and Dr. Groves continuing to engage in dialogue, with Dr. Groves acting as Dr. Kuris' mentor.³

Mr. Schechner asserted that he was entirely at fault for Dr. Kuris failure to have continued to comply with the requirement that his practice be overseen by an educational preceptor. More specifically, Mr. Schechner advised that he had assumed the Board was aware that Dr. Kuris' practice was no longer being overseen by an educational preceptor because reports were no longer being

³ As part of Mr. Schechner's presentation, Dr. Kuris made a brief statement and answered questions from the Board members regarding his relationship with Dr. Groves.

submitted to the Board, and he therefore did not recognize the need to have submitted a formal request to the Board seeking relief from the educational preceptorship requirements set out in our August 2, 2019, Order.⁴

DAG Calendar argued that, based on the Orders that had been entered, Dr. Kuris was aware, or should have been aware, that he needed to have been working with an educational preceptor for the entire period subsequent to the reinstatement of his license in August 2019. She urged the Board to defer consideration of Dr. Kuris' request until he addressed how he would be approaching any concerns that Dr. Groves identified in his review.

Discussion and Conclusion

This matter comes to us upon a request from Dr. Kuris seeking to remove the requirement that he continue to have his practice overseen by a Board-approved educational preceptor. In support of his request, Dr. Kuris testified before us, advising that he maintained his relationship with his educational preceptor, Dr. Groves, even after he completed the CPEP Educational Program, and that he fully complied with the recommendations put in place by

⁴ Among other provisions, the August 2, 2019, Order required that Dr. Kuris' educational preceptor submit a monthly written progress report to the Board to be sent to the attention of the Acting Medical Director of the Board or his designee, attesting that Dr. Kuris has practiced in a manner consistent with the standard of care, and detailing the results of all record reviews.

CPEP. Consistent with the agreement that had been reached prior to the Board's March 8, 2023 meeting, the Board has also been provided with a written report completed by Dr. Groves, who concluded that Dr. Kuris' record keeping was adequate and credible, and that no significant issues were identified.

We are cognizant that Dr. Kuris discontinued complying with the requirement that his practice be overseen by an educational preceptor, in violation of the terms of our August 2, 2019, Order, and that he did so unilaterally without seeking formal relief from the terms of that Order. We are also aware that Dr. Groves identified some minor issues in his July 31, 2023 report, but do not view those concerns to rise to a level that would support or require continuation of the preceptorship requirements. On balance, therefore, we are satisfied that good cause exists currently to discontinue the requirement that Dr. Kuris continue to engage an educational preceptor presently. In reaching that determination, we have considered and accepted Mr. Schechner's representation that he was at fault for not bringing a timely request for relief from the preceptor requirement, Dr. Kuris' testimony that he continued to maintain a relationship with Dr. Groves after the preceptorship required by our Order was discontinued, Dr. Kuris' compliance with recommendations made by CPEP, past favorable CPEP reports, and Dr. Groves' July 31, 2023 written report detailing his findings following review of 15

randomly selected records, to include his statement that he found Dr. Kuris' record keeping to be adequate and credible. Accordingly, being satisfied that good cause exists for entry of this Order, and that this Order is adequately protective of the public health, safety, and welfare;

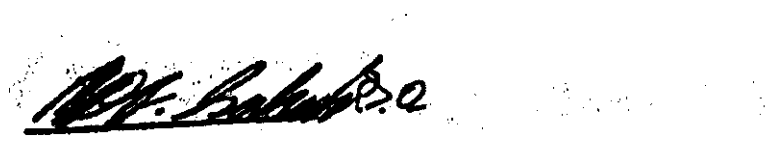
IT is on this 23rd day of MAY, 2024

AS announced on the record on September 13, 2023,

ORDERED:

1. Dr. Kuris' request to remove all requirements set forth in the Board's August 2, 2019 Order of Conditional Reinstatement requiring that his practice be overseen by an educational preceptor is granted.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: _____
Otto F. Sabando, D.O.
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.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

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.