

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

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CLERK  
STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, :  
Bureau of Professional and :  
Occupational Affairs :

vs. :

Murray R. Susser, M.D., :  
Respondent :

Docket No. 0276-49-97  
File No. 1997-49-01189

CONSENT AGREEMENT AND ORDER

The Commonwealth and Respondent stipulate as follows in settlement of the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §422.1 et seq.

2. At all relevant and material times, Murray R. Susser, M.D. ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, License No. MD-009520-E.

3. The Respondent admits that the following facts are true:

a. Respondent's license is current through December 31, 1998 and may be renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is 2730 Wilshire Boulevard, Suite 110, Santa Monica, CA 90403.

c. On or about April 11, 1997, the Division of Medical Quality of the Medical Board of California revoked the Respondent's license to practice medicine and surgery. The disciplinary action followed an accusation that Respondent negligently and incompetently failed to diagnose and failed to properly treat three (3) patients. The revocation of Respondent's license was stayed and the Respondent was placed on probation for three (3) years with terms and conditions. A true and correct copy of the First Amended and Supplemental Accusation, Decision, and Stipulated Settlement and Disciplinary Order are attached as "Exhibit 1" and are incorporated by reference.

4. The activities of Respondent, described above, violated the Act at 63 P.S. §422.41(4) in that disciplinary action has been taken against Respondent's license by the issuing authority of another state.

5. The participants consent to the issuance of the following Order in settlement of this matter:

a. Respondent violated the Act at 63 P.S. §422.41(4) in that disciplinary action has been taken against Respondent's license by the issuing authority of another state.

b. Respondent agrees to the immediate and voluntary surrender of his license to practice medicine and surgery in the Commonwealth of Pennsylvania.

c. That the appended Consent Agreement is adopted and incorporated herein.

d. That the Board finds that it may impose disciplinary or corrective measures in accordance with the Act, 63 P.S. §422.41(4), as Respondent has disciplinary action has been taken against Respondent's license by the issuing authority of another state.

e. That the Board accepts the **VOLUNTARY SURRENDER** of Respondent's medical license, MD-009520-E.

f. Respondent shall not apply for or receive any authority from the Board to practice a health profession in the Commonwealth of Pennsylvania within five (5) years subsequent to issuance of this Order. Should the Respondent choose to apply for renewal or reinstatement of his Pennsylvania license after the lapse of five (5) years, he must also appear in person before the Board to satisfy their inquiries as to the cause that the license should be reinstated.

g. That this Order shall be a public disciplinary action. This action shall be reported to entities including, but not limited to, the National Practitioner Data Bank, the Federation of State Medical Boards, the medical licensing authority of any state or jurisdiction, government entities and any private or public health care facility. The Board agrees to report the voluntary surrender to the National Practitioner Data Bank under Classification Code 410.00 under Miscellaneous Surrender-Description "Voluntary surrender based on 63 P.S. §422.41(4)."

h. That Respondent shall surrender his wall certificate, wallet card, license registration and any licensure documents within his possession to the Prosecuting Attorney within ten (10) days of issuance of this Order pursuant to the Act, 63 P.S. §422.44.

i. That Respondent may not practice medicine in the Commonwealth of Pennsylvania nor indicate the ability to practice medicine in the Commonwealth of Pennsylvania following Board adoption of the Consent Agreement and issuance of this Order.

j. That Respondent shall bear the costs of investigation of this matter in the amount of \$350.00.

k. That this case shall be deemed settled and discontinued upon Board adoption of the Consent Agreement and issuance of this Order.

l. That this Order shall take effect immediately upon Board adoption of the Consent Agreement.

6. Respondent acknowledges receipt and service of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and to the following rights related to that hearing: to be represented by counsel at the hearing; the right to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

7. This Consent Agreement is between the Commonwealth and Respondent only. Except as otherwise noted, this Agreement is to have no legal effect unless and until the Office of General Counsel approves the contents as to form and legality and the Board issues the stipulated Order.

8. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. The participants waive any objection to a Board member's consideration of this Agreement in the event that the member participated in a prior decision to prosecute this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

9. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

10. This agreement contains the whole agreement between the participants. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

11. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Agreement are made subject to

the criminal penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Bernadette Paul  
Bernadette Paul  
Prosecuting Attorney  
Bureau of Professional and  
Occupational Affairs

Murray R. Susser, M.D.  
Murray R. Susser, M.D.  
Respondent

10-20-97

DATED:

Sharon Barclay Kime  
DATED: Sharon Barclay Kime  
Sharon Barclay Kime, Esquire  
Attorney for Respondent

DATED: 10-22-97

ORDER

AND NOW, this            day of            , 1997, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE

Dorothy Childress  
Commissioner

Daniel B. Kimball, Jr., M.D.  
Chairman

Date of Mailing:

11-25-97

For the Commonwealth:

Bernadette Paul, Esquire  
P. O. Box 2649  
Harrisburg, PA 17105-2649

For Respondent:

Sharon Barclay Kime  
NOSSAMAN, GUTHNER, KNOX  
& ELLIOTT, LLP  
Thirty-Fourth Floor  
50 California Street  
San Francisco, CA 94111-4712

BP/bp

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Bernadette Paul  
Prosecuting Attorney  
Bureau of Professional and  
Occupational Affairs

DATED:

Murray R. Susser, M.D.  
Respondent

DATED:

Sharon Barclay Kime, Esquire  
Attorney for Respondent

DATED:

ORDER

AND NOW, this *18<sup>th</sup>* day of *November*, 1997, the State Board of Medicine adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:

BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE

*Dorothy Childress*  
Dorothy Childress  
Commissioner

*Daniel B. Kimball, Jr.*  
Daniel B. Kimball, Jr., M.D.  
Chairman

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*11-25-97*

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Bernadette Paul, Esquire  
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For Respondent:

Sharon Barclay Kime  
NOSSAMAN, GUTHNER, KNOX  
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