

FILED

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NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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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

SALADIN ABDU-NAFI, M.D.

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information that Dr. Abdu-Nafi had been addicted to Cocaine, a Controlled Dangerous Substance, Schedule I, in violation of N.J.S.A. 45:9-16, that he had received inpatient treatment for such addiction from May 15 to August 18, 1989, that he had relapsed shortly thereafter and re-entered inpatient treatment in ~~August~~ ^{October SAN} 1989 for four weeks, but that he relapsed again in April of 1990; at that time a urine screen taken under the auspices of the Physician's Health Program of New Jersey was positive for Cocaine and Dr. Abdu-Nafi failed to report for

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additional urine screens. On June 9, 1990 Dr. Abdu- Nafi again entered inpatient treatment for Cocaine addiction. At the time of this order he is undergoing inpatient drug treatment at Re-Enter, a program in Pennsylvania.

It appearing that respondent has admitted to the facts outlined above, has agreed to voluntarily surrender his license to practice medicine and surgery in New Jersey, and has agreed to continue with inpatient drug treatment and then outpatient treatment under the supervision of the Physician's Health Program ("PHP") and to undergo periodic random urine testing, supervised by the PHP, and for good cause shown,

IT IS THEREFORE on this 8th day of August 1990,

ORDERED:

1. Saladin Abdu-Nafi, M.D., shall cease and desist from the practice of medicine and surgery in New Jersey and shall surrender his license to practice medicine and surgery and tender it to the Board of Medical Examiners, 28 West State Street, Trenton, New Jersey, contemporaneously with his submission of the within Order.

2. The voluntary surrender of license by Dr. Abdu-Nafi shall be without prejudice to his ability to petition the Board for reinstatement no sooner than 6 months from the signing of this Order and then only at such time as he can demonstrate his fitness and ability to practice medicine and surgery.

3. In support of his petition for reinstatement, Dr. Abdu-Nafi shall request an appearance before the Preliminary

Evaluation Committee of the Board of Medical Examiners. At his appearance, if granted, the burden shall be upon him to demonstrate to the satisfaction of the Board that he has sufficiently recovered such that his resumption of medical practice will not pose a danger to the public health, safety and welfare. He shall also demonstrate that he has been fully compliant with his rehabilitation plan and that during the period that he did not hold a license he did not engage in the practice of medicine. If the Board is satisfied that these standards have been met, it may reinstate his license and impose such conditions or limitations on respondent's license as in its discretion it deems necessary and appropriate to protect the public health, safety and welfare.

4. Dr. Abdu-Nafi shall complete inpatient treatment and continue to participate in the Physicians' Health Program ("PHP") administered by the New Jersey Medical Society.

5. Dr. Abdu-Nafi shall not use controlled drugs of any kind until further order of the Board, and he shall not self-prescribe any controlled dangerous substances.

6. Dr. Abdu-Nafi shall submit to the Board upon his tendering of this Order a signed release which waives his right to the confidentiality of records pertaining to his inpatient or outpatient drug treatment, at Re-Enter of Philadelphia Pennsylvania thereby enabling the Board to gain access to and to utilize all records pertaining to such services or treatment for purposes of this Consent Order or as necessary for any disciplinary action regarding Dr. Abdu-Nafi's practice of medicine. The release shall

be valid for five (5) years from the date of its execution. Dr. Abdu-Nafi shall submit additional releases for any other in-patient or out-patient drug treatment program he enters.

7. Dr. Abdu-Nafi shall by signing this Order authorize and cause the PHP to send monthly reports to the New Jersey Board of Medical Examiners on his progress in his drug treatment program. These reports shall provide the Board with a full account of all contacts which respondent has had with the PHP, his compliance with the PHP, and the printed results of all urine monitoring or other testing done under the direction of the PHP. The PHP shall inform the Board of the method of drug testing it uses for respondent's program. This authorization shall be valid for five (5) years from the date of the filing date of this Order. The PHP shall notify the Board within 24 hours in writing if Dr. Abdu-Nafi has a positive urine screen or fails to appear for a scheduled appointment without justification or unilaterally modifies any other part of the treatment program. The PHP shall be given a copy of this Order by Dr. Abdu-Nafi.

8. In the event that facts other than presented to the Board in the PHP report regarding Dr. Abdu-Nafi of June 12, 1990 are discovered by the Board, nothing herein contained shall preclude or limit the taking of any further action with regard to respondent's license to practice medicine and surgery as may be

authorized by law and which the Board in its sole discretion may deem necessary and appropriate.

STATE BOARD OF MEDICAL EXAMINERS

By: Michael B. Grossman, D.O.
Michael B. Grossman, D.O.,
President

I have read the above Order
and I understand its terms.
I consent to its entry by
the New Jersey State
Board of Medical Examiners.

Saladin Abdu-Nafi, M.D.
Saladin Abdu-Nafi, M.D.

DIRECTIVE REGARDING FUTURE ACTIVITIES
OF MEDICAL BOARD LICENSEE WHO HAS VOLUNTARILY
SURRENDERED LICENSE

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new professional is selected by a patient, the practitioner shall promptly make available the original or a complete copy of the existing medical record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices a licensed health care profession.
- 5) Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
- 6) Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the practitioner to practice the profession.
- 7) Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed of, transferred to safeguarded.

8) The licensee shall require that for a six-month period following the start of a suspension or revocation of license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. The same information shall be disseminated by means of a notice to be published at least once per month for the same six month period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.

9) Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

10) Use of the professional premises. The licensee may allow another licensee to use the office premises formerly occupied by the licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and/or equipment.

(c) No use of name of licensee or personally owned office name or tax or provider identification number.

1. Where the licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the licensee is a member of a professional group which uses a group-type name such as the ABC Medical Group. The licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the licensee, and may continue to use its corporate or professional identification number.

- 11) Report promptly to the Board compliance with each, directive requiring monies to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.
- 12) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:
 1. Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the licensee to appear, to remove any listing indicating that the practitioner is a licensee of the New Jersey State Board of Medical Examiners in good standing.
 2. Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.
- 13) A practitioner whose practice privileges are affected by a Board Order shall, within 30 days after the effective date of the Board Order, file with the Secretary of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Secretary.
- 14) Where the Board has stayed any part of a suspension order to allow professional practice on probation or on specified practice conditions, the licensee shall fully cooperate with the Board or designated representatives, including the Enforcement Bureau, in ongoing monitoring of the licensee's status and practice.
 - a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.
 - b) Monitoring of status conditions may include, but is not limited to, licensee cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law, from any treatment facility, treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired licensees. If bodily substance monitoring has been ordered, the licensee shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.