

FILED

July 17, 1996

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

IN THE MATTER OF THE APPLICATION :
OF: : Administrative Action
 :
AGOP ARTINIAN, M.D. :
 :
FOR A LICENSE TO PRACTICE MEDICINE : PROVISIONAL ORDER OF
AND SURGERY IN THE STATE OF : DENIAL OF LICENSURE
NEW JERSEY :
 :

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of an application for licensure by endorsement filed by Agop Artinian, M.D. Dr. Artinian appeared before the Credentials Committee of the Board on August 16, 1993, following which the Board voted to table the matter so that it could obtain additional information. Following a review of the information received, the Board on May 1, 1995 determined to offer Dr. Artinian the opportunity to withdraw his application until he was able to demonstrate that he was certified by a specialty board approved by the American Board of Medical Specialties or the American Osteopathic Association. By letter of September 25, 1995, Dr. Artinian indicated that he chose not to accept the offer, and he was asked to appear again before the Committee. He appeared on December 4, 1995 without counsel and was strongly advised by the Committee to postpone his appearance until he had consulted an attorney. He appeared again on January 29, 1996, accompanied by counsel William P. Isele, Esq. The Board has reviewed Dr. Artinian's testimony and all relevant documentation submitted and makes the following findings of fact.

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Dr. Artinian graduated from the Institute of Medicine and Pharmacy, Faculty of General Medicine, in Bucharest, Romania, in 1982. He returned to the United States, where he had been living with his family since emigrating from Romania in 1974, and passed the ECFMG examination in July 1983. He had no employment in medicine until 1985, when he began a year of employment as a house physician at Astoria General Hospital in New York.

He began an internal medicine residency at Catholic Medical Center of Brooklyn and Queens in July 1987 and completed his second year on June 30, 1989. Based on his evaluations, which indicated lack of progress, poor knowledge base and disorganization, he was not offered a third-year contract. In a letter written to the New Jersey Board on June 30, 1993, however, Dr. Artinian blamed the bad evaluations on deliberate efforts by medical attendings who "were actually trying to instill fear, degrade and jeopardize one's medical career, and derive a lot of pleasure from doing it."

In July 1989 he began another second-year residency in internal medicine at Framingham Union Hospital in Framingham, Massachusetts, now MetroWest Medical Center, Framingham Union Campus, and left in April 1990 without completing the year. In a letter dated April 13, 1990, Raymond S. Koff, M.D., medical director, notified Dr. Artinian that the House Officer Advisory Committee had met on April 11 1990 and had decided to relieve him of all responsibilities at Framingham Union Hospital. According to this letter, Dr. Koff had indicated to Dr. Artinian "through the last several months" that his performance had "remained marginal at best and there is concern about the quality of care you are rendering." "Furthermore," Dr. Koff wrote "the committee believes you require psychological counseling, and I hope you will make

an appointment with Dr. George Ellsworth." Evaluation of his clinical competence during his training had been "less than satisfactory," and he did not receive credit for the year of training according to the requirements of the American Board of Internal Medicine.

According to Dr. Artinian's June 30, 1993 letter to this Board, as well as to his testimony, in December 1989 he had been offered the opportunity to repeat his second year of residency because, Dr. Koff said, his "performance has remained marginal at best." Dr. Artinian allegedly refused to sign the contract to repeat the second year and "was given some time off to think about the offer." He then told Dr. Koff that he would leave the program on June 30, 1989, as a result of which, Dr. Artinian alleges, Dr. Koff relieved him of all responsibilities. Finally, Dr. Artinian stated in his June 20, 1993 letter that he had spoken to "Senator Margnani(sic) of Massachusetts," who "after speaking with Framingham Union Hospital officials, asked me to return to the hospital. I turned down the offer..."

When Dr. Artinian appeared before the Credentials Committee on August 16, 1993, he testified that after he had spoken with the State Senator "he intervened with some officials at Framingham Union Hospital and I was asked to come back under the old terms, which I refused..." However, in a letter from Raymond S. Koff, MetroWest Medical Center, dated February 8, 1995, Dr. Koff stated that his recollection of the events and his review of Dr. Artinian's folder indicated that Dr. Artinian's performance in the second year of residency had been unsatisfactory and had remained so during a long period of mentoring and counseling. As a consequence, "we felt it necessary to relieve him of all responsibilities prior to the end of the academic year." Dr. Koff further stated that Dr. Artinian had not been offered a contract

to repeat the second-year residency, and therefore could not have refused to sign said contract.

When he testified before the Credentials Committee on January 29, 1996, Dr. Artinian stated that he had been offered the second second-year residency contract at Framingham in December 1988, when he refused to sign it. Thereafter, he stated, Dr. Koff called him at least six times asking him to sign the contract but did not fire him because of his refusal to do so until April 1990. He testified that State Senator Magnani had told him to go back and to continue to work there. Dr. Artinian stated that he did not go back to finish the residency year because they were not going to give him credit for that year.

In his application for licensure Dr. Artinian denied that he had ever been denied privileges, had privileges terminated or limited, or been terminated from or asked to resign from a hospital or internship. It was his position that being released from his residency contract was not the same as being terminated from the residency. Dr. Artinian did not include information about the Framingham residency in the *curriculum vitae* which he submitted to the Board.

Dr. Artinian testified in 1996 that after leaving Framingham he had been offered a third-year residency at a hospital in Washington. Instead of accepting that offer, Dr. Artinian stated, he had begun yet another second-year residency in internal medicine at Wyckoff Heights Medical Center in Brooklyn, New York, in July 1990 and completed that year in December 1990. He subsequently completed the third year of residency in internal medicine at Wyckoff in December 1991 and became board eligible in internal medicine. In January of 1992 he began work at the Family Health Center of Ridgewood, New York, which is apparently with Wyckoff, and held a limited permit to practice in New York. He

did not explain how he had worked as a house physician at Astoria General Hospital in 1985 without a New York license.

Dr. Artinian took the Federation Licensing Examination (FLEX) offered by the Federation of State Medical Boards thirteen times between December 1985 and June 1993 in New York and failed both components five times. The sixth time, he passed Component 2, which is designed to assess the cognitive abilities required of physicians, but despite seven more tries continued to fail Component 1, which is designed to evaluate measurable aspects of the knowledge and understanding of basic and clinical sciences, with specific emphasis on principles and mechanisms underlying disease and modes of therapy. In December 1993 he took Component 1 in Utah and passed. He received a license in New York State in March 1994, and failed the examination for board certification in internal medicine in August 1995.

The State Board of Medical Examiners is empowered and directed by statute to protect the health, safety and welfare of the citizens of New Jersey, and the New Jersey statutory scheme sets a high standard for those who wish to practice medicine and surgery here. It is the Board's responsibility to ensure that physicians to whom it grants licenses have met all of the qualifications set forth in law and regulation, and that practitioners are fit and competent individuals worthy of the privilege of practicing here. The Board's policy and practice is to carefully review every applicant's background and education to assure itself to the greatest extent possible that licenses are being issued only to qualified individuals. The Board is unable to find such assurance on this record.

The Board finds that Dr. Artinian's medical education was very fragmented. After graduating from medical school he apparently did not

study or practice medicine for a period of three years, until he worked at Astoria General Hospital in New York for one year. He was again out of medicine for at least part of a year before beginning his first residency program in July 1987 at Catholic Medical Center. He did not perform well in that residency and was not offered a contract for the third year. In July 1989 he began another second year of residency at Framingham Union Hospital. Again he failed to perform well, and he was asked to leave without completing the year of training. Several months later, for the third time, he began a second-year residency, this time at Wyckoff Heights Medical Center, where he completed that and the third year in 1992.

The Board is not satisfied that Dr. Artinian was honest about his experiences at Framingham Union. In his application for licensure Dr. Artinian denied that he had ever been denied privileges, had privileges terminated or limited, or been terminated from or asked to resign from a hospital or internship. The Board does not find his excuse for this omission acceptable, because it was obvious from the entirety of his testimony that Dr. Artinian was aware that being released from his residency contract was a termination of his residency. In addition, and despite the fact that applicants are specifically directed to account for all periods of time subsequent to beginning medical school, Dr. Artinian purposely omitted one year from his *curriculum vitae* - the year in which he started and failed to complete his residency at Framingham Union. Dr. Artinian's version of events at Framingham Union is contradicted by the written statements of Raymond S. Koff, M.D., the director of medicine at Framingham, and by Thomas L. Treadwell, M.D., the present program director in internal medicine at MetroWest Medical Center. Finally, the Board does not find credible Dr. Artinian's

unsupported assertion that, after hearing from a legislator, Framingham Union relented and invited him back but that he refused to return because he would not get credit for his year of residency. Because he had already received credit for a second-year residency at Catholic Medical Center, the Board has determined that credit for the Framingham second-year residency should not have been an issue for Dr. Artinian.

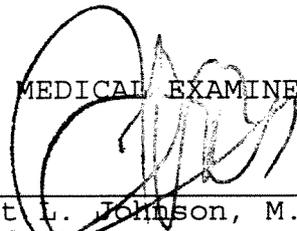
Pursuant to N.J.S.A. 45:9-6, any applicant who wishes to practice medicine and surgery in this State must present satisfactory proof that he or she is of good moral character, an ongoing requirement of licensure. In addition, it is well established that the burden of proof is on the applicant to prove his eligibility for licensure, and not on the licensing agency to disprove it. The Board finds that Dr. Artinian has been unable to establish that he possesses the requisite good moral character. The Board may also refuse to grant a license based upon the applicant's use of dishonesty, fraud, and deception or the applicant's apparent inability to practice medicine in a manner consistent with the public's health, safety and welfare, pursuant to N.J.S.A. 45:1-21. The Board finds that this statute also provides a sufficient basis for the denial of a license to Dr. Artinian.

Based on the aforesaid findings, it is the decision of the New Jersey Board of Medical Examiners that the application of Agop Artinian, M.D., for a license to practice medicine and surgery in the State of New Jersey be and hereby is provisionally denied.

If Dr. Artinian wishes to present information refuting any of the factual findings contained herein, such information must be presented to the Board within thirty (30) days of the entry of this provisional order of denial of licensure, and the Board will thereafter determine whether further proceedings are necessary. If no material

discrepancies are raised through a supplemental submission during that thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, this Order shall become final.

BOARD OF MEDICAL EXAMINERS

By: 

Robert L. Johnson, M.D., F.A.A.P.
President
