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FILED

November 29, 1999

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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: ANIL K. SHARMA, M.D. LICENSE NO. MA 63404 TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	Administrative Action ORDER OF REINSTATEMENT OF LICENSE

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") upon receipt of investigative materials indicating that Respondent, Anil K. Sharma, M.D. a Board-certified anesthesiologist with a fulltime practice in pain management in Little Silver, New Jersey, was suspected of diverting a controlled dangerous substance from the operating room at Monmouth Medical Center for purposes of self-administration. The Board was then notified that Respondent had begun participation in the Physicians' Health Program of the Medical Society of New Jersey (hereinafter the "PHP") and entered a 28-day inpatient substance abuse treatment program at Clearbrook Lodge, Wilkes-Barre, Pennsylvania. On April 30, 1999, parties entered into a Consent

CERTIFIED TRUE COPY

Order granting Respondent leave to voluntarily surrender his license to practice medicine and surgery for a minimum period of six months.

On September 22, 1999, Dr. Sharma appeared and testified before a Committee of the Board. He stated that since the voluntary surrender of his license, he has maintained a drug free state and satisfied the requirements ordered by the Board in the Consent Order. On his behalf, David I. Canavan, M.D. Medical Director Emeritus, PHP testified that Dr. Sharma has been a faithful participant in the PHP. He has attended more than daily A.A. He has obtained a sponsor with whom he speaks on a regular basis. He is in aftercare counseling with Dr. Tom Makarevich on a weekly basis. He is on twice-weekly random urine monitoring with all specimens negative for the presence of mood-altering drugs.

The Board considered Dr. Sharma's testimony that he has been drug free for the past six months, along with documentation of his substance abuse treatment,

AND IT APPEARING that he had satisfied all the terms of the April 30, 1999 Order, and that the within Order is adequately protective of the public's health, safety and welfare, the Board has determined to reinstate Dr. Sharma's license to practice medicine.

IT IS THEREFORE, on this 29th day of November, 1999 ORDERED:

1. The license previously issued to Anil K. Sharma, M.D. to practice medicine and surgery is hereby reinstated.

Respondent's professional activities shall be limited to a maximum of thirty (30) hours per week. This thirty hours shall include no more than one (1) day at the hospital, where all epidurals are to be performed. Dr. Sharma shall be scheduled for eight (8) vacation weeks per year.

2. Dr. Sharma shall be permitted to apply for reinstatement of his CDS and DEA privileges.

3. Dr. Sharma shall submit to monitoring by the PHP on a bimonthly basis and cause the PHP to provide quarterly reports to the Board in regard to its monitoring of respondent as outlined herein, including, but not limited to, the urine testing and attendance at support groups. The PHP shall attach to its quarterly reports any and all appropriate reports and/or documentation concerning any of the monitoring aspects of the within program.

4. Dr. Sharma shall submit to random urine monitoring under the supervision of the PHP on a random, unannounced basis, twice weekly for six months following the signing of this Order, and then on a weekly basis after that for the following six months. The urine monitoring shall be conducted with direct witnessing of the taking of the samples either from a volunteer or drug clinic staff as arranged and designated by the PHP. The initial drug screen shall utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and

to provide documentation in the event of a legal challenge. The PHP shall be responsible to ensure that all urine samples are handled by a laboratory competent to provide these services.

All test results shall be provided in the first instance directly to the PHP and any positive result shall be reported immediately by the PHP to Judith I. Gleason, Executive Director of the Board, or her designee in the event she in unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Any failure by the Respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event the Respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Louis Baxter, Sr., M.D. or his designee of the PHP. Neither the volunteer nor drug clinic staff shall be authorized to consent to waive a urine test. In addition, Respondent must provide the PHP with written substantiation of his inability to appear within two (2) days, e.g., a physician's report attesting that the Respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the Respondent that is so

insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day. The PHP shall advise the Board of every instance where a request has been made to waive a urine test together with the Program's determination in each such case. The Board may in its sole discretion modify the frequency of testing or method of reporting during the monitoring period.

5. Dr. Sharma shall continue in counseling with Dr. Tom Makarevich on a schedule to be determined by Dr. Makarevich. Respondent shall cause Dr. Makarevich to provide the Board with quarterly reports in regard to his attendance and progress in counseling.

6. Dr. Sharma shall attend support groups, including N.A./A.A. at a minimum of three times a week and shall provide evidence of attendance at such groups directly to the PHP on a form or in a manner as required by the Program. Respondent agrees the PHP shall advise the Board immediately in the event it receives information that Respondent has discontinued attendance at any of the support groups.

7. Dr. Sharma shall cause his medical partner, Harris N. Bram, M.D. and the Director of Monmouth Medical Center to notify the Board immediately if either suspects Dr. Sharma of a relapse. In fulfillment of this responsibility Respondent shall provide each with a duplicate of the within Order and shall provide to the Board a copy of this Order bearing the original signatures of each

individual and indicating their willingness to fulfill the requirements of this paragraph.

8. Dr. Sharma shall provide appropriate releases to any and all parties who are participating in the monitoring program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. This shall include advising the Board of any and all programs in which Respondent engages. With regard to the requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to commence on December 1, 1999.

9. All costs associated with the monitoring program as outlined herein shall be paid directly by Dr. Sharma.

10. Dr. Sharma shall produce evidence of Continuing Medical Education ("CME") courses he has enrolled in and successfully completed during the suspension of his license. In the event that he cannot provide evidence of CME during this period, as a condition of restoration of his license, he is to enroll in and successfully complete six (6) hours of CME in pain management within two (2) months of the signing of this Order.

11. Dr. Sharma is to maintain absolute abstinence from all mood-altering drugs except on prescription by his treating physician and/or dentist for a documented medical condition.

12. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board, in its sole discretion,

deems reliable demonstrating that respondent has failed to comply with any of the conditions herein, including but not limited to report of a confirmed positive urine, report of an adulterated urine or a prima facie showing of a relapse or recurrence of alcohol or drug abuse.

13. Respondent shall have the right to apply for removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that the urine tested was a false positive or that other information the Board relied upon was false. In the event that respondent fails to make the requisite showing, his license shall be revoked with prejudice to any future re-application.

14. Respondent shall comply with the "Directives Applicable to any Medical Board Licensee who is Suspended, Revoked or Whose Surrender of Licensure has been Accepted, Revoked or Whose Surrender of Licensure has been Accepted," attached hereto and made a part of hereof.

11/29/99

11/29/99

BOARD OF MEDICAL EXAMINERS

By: Gregory J. Rokosz, D.O.

Gregory Rokosz, D.O., President

Date: _____

I have read and understood the above Order and I agree to abide by its terms.

Anil K. Sharma

Anil K. Sharma, M.D.

Date: 11/29/99

Consent as to form.

Louis Baxter, Sr., M.D.
Medical Director
Physicians' Health Program

Date: 11/29/99

Consent as to form.

Harris N. Bram, M.D.

Date: 11/29/99

Director
Monmouth Medical Center

Date: 11/29/99