

FILED

December 15, 2001

**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 SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
PETER ADAMS, M.D.	:	FINAL ORDER
License No. MA 043757	:	OF DISCIPLINE
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent, Peter Adams, M.D., License No. MA 043757, is a physician licensed in the State of New Jersey and has been a licensee at all times relevant hereto. As a consequence of Respondent's failure to submit his biennial renewal in 1997, Respondent's license to practice medicine in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1 and could be restored pursuant to that statute upon payment of a fee.

2. In July 1998 Respondent was charged in a Statement of Charges with professional misconduct in that he practiced with negligence, gross negligence, incompetence and gross incompetence and that he failed to obtain adequate consent and to maintain adequate medical records in connection with four patients. In a Determination and Order ("Order"), entered March 31, 2000 by the New York State Board for Professional Medical Conduct, the sustained charges were:

A. On or about September 8, 1994 and September 11, 1994 Respondent treated Patient A for lung cancer at New York Hospital Center in New York. Respondent was found negligent in that he failed to order, perform and document necessary preoperative diagnostic tests and metabolic workup, including bronchoscopy, brain scan and bone scan. Respondent was also found negligent in that on or about September 8, 1994, he attempted to perform a right upper lobectomy, which was not indicated. Further, Respondent was negligent since the preoperative workup was inadequate. The Board also found that Respondent had failed to maintain a medical record which accurately reflected the progress notes. Patient A died on September 11, 1994. upper lobectomy, which was not indicated. Further, Respondent was negligent since the preoperative workup was inadequate. The Board also found that Respondent had failed to maintain a medical record which accurately reflected the progress notes. Patient A died on September 11, 1994.

B. On or about August 28, 1995, Respondent treated Patient B for cancer of the esophagus at New York Hospital Center in New

York. Respondent was found negligent in that on or about August 28, 1995 he performed a partial esophagogastrectomy which was not indicated in this high risk patient. Further, Respondent was found negligent in that he failed to appropriately manage the patient's intra-operative and post-operative bleeding and complications and also failed to order appropriate preoperative blood tests and fresh blood in this high risk surgical patient. Respondent was also found negligent in that he improperly failed to obtain preoperative consultations with a hematologist. The Board found that Respondent had failed to maintain a medical record for Patient B which accurately reflected the progress notes. The patient died in the recovery room.

C. In connection with a patient who was treated by Respondent for lung cancer at the New York Hospital Center in New York on or about January 10, 1994 and January 21, 1994, the Board found that Respondent was negligent in that he failed to document and record any preoperative notes. The patient died on January 22, 1994.

D. In connection with a patient who was treated by Respondent for pulmonary disease at St. Vincent's Hospital in New York on or about September 12, 1997, the Board found that Respondent failed to maintain adequate medical records.

3. As a result of the foregoing, the Board determined that Respondent's license to practice medicine in the State of New York should be suspended for five years, with the suspension stayed

under the terms of probation for 4 ½ years, coupled with a monetary penalty of \$20,000.00.

4. Further, on August 22, 1997 Respondent was arrested and issued tickets for operating a vehicle while under the influence and careless driving in Tenafly, New Jersey. On December 2, 1997, the careless driving charge was dismissed by the Judge. However, as to the ticket for driving while under the influence, Respondent's sentence was a fine and revocation of his driver's license for 6 months.

CONCLUSIONS OF LAW

1. The above action provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey in that it is based on findings that would give rise to discipline in this State for misconduct pursuant to N.J.S.A. 45:1-21(d) since Respondent has engaged in repeated acts of negligence.

2. The above action provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(g) in that it is based on findings that would give rise to discipline in this State for failure to prepare accurate records pursuant to N.J.A.C. 13:35-6.5 and N.J.S.A. 45:1-21(h).

3. The above criminal conviction provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey in that it is based on findings

that would give rise to discipline in this State pursuant to N.J.S.A. 45:1-21(f).

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice medicine and surgery in the State of New Jersey was entered on June 28, 2001 and a copy served on Respondent. The Provisional Order was subject to finalization by the Board at 5:00 PM on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent filed a response to the POD dated July 2, 2001. He argued that his license to practice medicine was restored after a six month active suspension and that there are no restrictions on his license. Respondent offered a letter from Michael Babala from the New York Department of Health dated November 22, 2000 which read "there are no permanent restrictions placed upon Dr. Adam's medical license."

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and

that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law. The Board wished to clarify the terms of the POD, as there were concerns about not distinguishing what was meant by a demonstration that Respondent's New York State license was unrestricted. The Board clarified that, when stating that the license needed to be unrestricted, the Board meant that there could be no terms or conditions on the practice, and that, to the extent that Respondent had any terms or conditions of probation, his license was restricted. The Board determined, however, that the Order should be modified to state that the New Jersey suspension was to be for five years, the length of the New York suspension, or until such time as respondent could practice in New York without any restrictions, terms or conditions. The Board further wished to clarify that when Respondent appears before the Board prior to resuming active practice in New Jersey, Respondent will need to demonstrate that he does not engage in any use of chemical substances which would in any way effect or impair his ability to practice medicine.

ACCORDINGLY, IT IS on this 15th day of December, 2001 ORDERED that Respondent's license to practice medicine and surgery in the State of New Jersey is hereby suspended for five years or until such time as Respondent is authorized to practice in New York

without any restrictions, terms or conditions, including probation. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice, as well as demonstrate that he does not engage in any use of chemical substances which would in any way effect or impair his ability to practice medicine. Any practice in this State prior to said appearance shall constitute grounds for the charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:



William V. Harrer, M.D., B.L.D.
Board President