

FILED

Dec 30, 2002

**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 LICENSE OF

Administrative Action

JENO-LO TSAI, Y.D.

FINAL ORDER
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, Jen0-Lo Tsai , M.D., License No. MA034262, is a physician licensed in the State of New Jersey. As a consequence of Respondent's failure to submit his biennial renewal in 1979, Respondent's license to practice medicine and surgery in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1, which allows for reinstatement upon payment of certain fees. Respondent is also licensed to practice medicine in the State of North Carolina. Respondent's license in North Carolina has been suspended for six months beginning in November of 2001.

2. On October 24, 2001, an Order was entered into by Dr. Tsai and the North Carolina Medical Board. This Order arose from allegations that Respondent engaged in unprofessional conduct,

CERTIFIED TRUE COPY

including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession. Specifically, Respondent was called from a local hospital to assist regarding the care of a premature infant. When Dr. Tsai arrived and examined the patient, he made a comment that the baby was too small to survive, and that the cost of treating the baby would be extremely high. Respondent made these comments as he removed the baby's breathing tube. Respondent did not review the patient chart, and he did not discuss the case with any colleagues, the neonatologist or the baby's mother (who was in the hospital at that time) prior to removing the tube. Five minutes after he removed the tube, he reassessed the baby, reinserted the tube and arranged for transport to a regional hospital. Based on admissions by Respondent to the aforementioned conduct, the Board found that Respondent did engage in the alleged unprofessional conduct, and that he was subject to disciplinary action for such conduct.

3. The North Carolina Board ordered that Respondent's license to practice medicine be suspended for six months. Prior to resuming practice in North Carolina, Respondent must successfully complete six hours of Category I CME's in neonatology and three hours of Category I CME in ethics. A copy of the Order is attached a3 Exhibit A.

CONCLUSIONS OF LAW

1 The above actions provide 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 Respondent has had his license to practice medicine and surgery in the State of Texas suspended for reasons consistent with N.J.S.A. 45:1-21.

2. The above actions provide 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(e) in that Respondent has engaged in professional or occupational misconduct.

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 August 1, 2002 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. 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.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 30th day of Dec 2002, ORDERED that:

1. Respondent's New Jersey license is suspended for six (6) months beginning on the day this Order becomes final.
2. 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 and successful compliance with the terms of the North Carolina Order, and 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 MD BLD

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

Board President