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FILED

March 31, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Paul R. Kenny
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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:)

Administrative Action

SHIVA K. KOTTURI, M.D.
LICENSE NO. MA 59794

CONSENT ORDER
SUPPLEMENTING FINAL ORDER
OF FEBRUARY 21, 2002

This **matter was opened** to the New Jersey State Board of **Medical** Examiners following a report from the New Jersey Department of Health and Senior **Services** indicating that **respondent**, Shiva Kotturi, M.D., may have engaged in activities prohibited by terms of the Final Order entered before this Board on February 21, 2002, after the effective date of his license suspension.

This Board's Final Order of February 21, 2002 **provided** that effective February 25, 2002 **the license** of respondent was suspended for a **period** of five years. The first two years of said suspension were to be served as a period of active suspension, and the remaining three years were stayed to be served as a period of

probation. By terms of that order and the attached directives, respondent was to cease practice entirely on February 25, 2002 including, but not limited to, the cessation of the ordering, dispensing, or prescribing of any drugs including controlled dangerous substances.

The Board has received a copy of a Notice Of Cease And Desist, Notice Of License Revocation to American Habitare And Counseling, Inc., a facility located in Newark, New Jersey of which respondent is a co-owner, indicating that on or about March 12, 2002, after his medical license was suspended, respondent ordered ten 100 mg. packages of Methadone, a controlled dangerous substance for that facility.

Respondent appeared with counsel, Michael A. Baldassare, Esq. and gave testimony before the Preliminary Evaluation Committee of the New Jersey State Board of Medical Examiners (hereinafter "PEC") on or about November 6, 2002. At that time, respondent admitted that he had ordered ten 100 mg. packages of Methadone for the American Habitare facility on March 12, 2002. He asserted that he did so because no new Medical Director was in place at that time to order that medication. Respondent testified that since that time, all ordering of medications, including controlled dangerous substances, has been done by the now current Medical Director of the facility.

The Board finds that respondent's action in ordering controlled dangerous substances at a time when respondent was aware that his **license** was suspended constitutes a failure to obey an order of this Board in violation, of N.J.A.C. 13:45A-27.4 which constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e) and a violation of N.J.S.A. 45:1-21(h).

Respondent has acknowledged this violation and has expressed a desire to resolve this matter without further formal proceeding and the Board finding the within resolution to be in the public interest, therefore,

IT IS ON THIS

DAY OF

Jan 20, 2003

ORDERED:

1. Respondent, Shiva K. Kotturi, M.D., **is** reprimanded for the above stated actions.

2. The **period** of active suspension of the license of **respondent** Shiva K. Kotturi, M.D., which commenced on February 25, 2002, and which **was previously** for a period of **two** years following that **date**, shall **be extended** by an additional period of six months of active suspension commencing on February 25, 2004. The total period of suspension shall remain five years and following **the** period of active suspension, respondent shall serve a period of probation as further detailed in the Order of February 21, 2002.

3. All other provisions of the Order of February 21, 2001, referenced in this consent order, shall remain in full force and effect until further order of the Board.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: William V. Harrer, M.D., B.L.D.
President

I have read and understood
the within consent order and
consent to its entry.

Shiva K. Kotturi
Shiva K. Kotturi, M.D.

Consented to as to form and entry.

Michael Baldassare
Michael Baldassare, Esq.