

PETER C. HARVEY
Attorney *General* of New Jersey
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

FILED

June 10, 2004

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Daniel S. Goodman
Deputy Attorney General
(973) 648-4741

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

IN THE MATTER OF THE LICENSE OF

**ROBERT L. FINK, D.P.M.
License No. MD 1991**

Administrative Action

CONSENT ORDER

**TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY**

This matter was initially opened to the State Board of Medical Examiners ("Board") following a submission by the Guardian Insurance Company, which alleged that Robert L. Fink, D.P.M. ("Respondent") billed for surgical procedures which were not supported by the operative record or the post-operative x-rays, with regard to patient B.G.

The Board records reflect that on or about November 22, 2000, Dr. Fink appeared, without counsel, before a Committee of the Board of Medical Examiners to discuss his care and treatment of patient B.G. After reviewing Dr. Fink's testimony before the Committee, as well as all of the relevant patient records and x-rays in this matter, the Board found that Respondent committed fraudulent billing in violation of N.J.S.A. 45:1-21(b) & (e), when he billed for an Austin

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bunionectomy with no evidence that he ever performed such a procedure. Furthermore, the Board found that Respondent unbundled his fees, also in violation of N.J.S.A. 45:1-21(b) & (e), when he charged B.G. for both an ~~Austin~~ and an Aiken bunionectomy in the *same* surgery. Finally, the Board found that Respondent did not adequately inform B.G. of his fees in advance, nor did he list his fees in writing, as required by N.J.A.C. 13:35-6.16(b)(9).

It appearing that Respondent now wishes to resolve this matter without the necessity for a formal hearing, and the Board finding that the disposition of the matter as set forth herein is adequately protective of the public health, safety and welfare,

IT IS, therefore, on this 8th day of June, 2004,

ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby suspended for three (3) months for the above violations. Said suspension shall be stayed in its entirety and served as a period of probation.

2. Respondent is to enroll in and satisfactorily complete a Board approved ethics course, at his own expense, within six (6) months from the entry date of this Order. Proof of such completion shall be provided to the Board within thirty (30) days of completion of the course.

3. Respondent shall pay a civil penalty in the amount of \$5,000.00. In addition, Respondent shall pay the Board's costs of investigation in this matter in *the* amount of \$1,718.98. The total amount of \$6,718.98 shall be memorialized in a Certificate of Debt duly recorded in the State of New Jersey, and shall be paid at the Court rule rate of interest in ten monthly installments of \$678.07, to be received by the Board by the fifteenth (15th) day of each month, commencing June 15, 2004 and ending March 15, 2005. Payments shall be made by certified check or money order

made payable to the State of New Jersey and submitted to the State Board of Medical Examiners at P.O. Box 183, Trenton, New Jersey 08625-0183. Any failure to make payments under *the terms* of this Order shall accelerate the total debt to the Board and shall subject Respondent to any and all remedies available to the Board under N.J.S.A. 45:1-21 and N.J.S.A. 45:1-22.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 
David M. Wallace, M.D.
President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Robert L. Fink, D.P.M.

Consented to as to form:


Victor Deutch, Esq.