

FILED

JULY 6, 2004

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

PETER HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law - 5<sup>th</sup> Floor  
P.O. Box 45029  
Newark, New Jersey 07101

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

IN THE MATTER OF THE SUSPENSION )  
OR REVOCATION OF THE LICENSE OF ) **SUPPLEMENTAL CONSENT ORDER**  
 )  
 **BALKRISHNA NIGAM, M.D.** )  
 **LICENSE NO. MA 39594** )  
 )  
 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 a Consent Agreement and Order filed by the New York State Department of Health, State Board for Professional Medical Conduct in which the respondent agreed that he could not successfully defend against one of the allegations set forth in the Statement of Charges alleging one specification of professional misconduct. Specifically, respondent was charged with engaging in negligence on more than one occasion, in that with regard to Patient A he failed to administer antibiotics with meningitis coverage, and he failed to immediately intubate that patient as well as inappropriately discharging Patient B without ordering and evaluating a CT scan when he was employed as a physician in the Emergency Room at Victory Memorial Hospital, Brooklyn, New York. Pursuant to the New York Consent Agreement and

**CERTIFIED TRUE COPY**

Order respondent's license to practice medicine is suspended until such time as he fulfills the requirement to participate in and successfully complete a course of education or training.

On or about July 11, 2003, this Board and respondent entered into a Consent Order wherein respondent agreed to submit to a focused evaluation of his practice to determine his capabilities and judgment as a physician. We received an Assessment Report from the Institute for Physician Evaluation, dated December 10, 2003, which included a recommendation for respondent to undergo an intensive retraining program (residency) for not less than one year. Respondent has represented to this Board that at the present time he is not engaged in the practice of medicine. The Board and respondent seek to resolve this matter without resort to further proceedings, and recognizing that respondent will immediately seek to enroll in a residency program with the assistance of MRAC, Inc., and agrees not to practice medicine in New Jersey until further order of this Board, and the Board finding the within Order is sufficiently protective of the public interest, and for good cause shown,

IT IS ON THIS 6TH. DAY OF JULY, 2004,

ORDERED THAT:

1. Respondent shall enroll in an intensive retraining (residency) program for not less than a one year period. It is understood that MRAC, Inc. is assisting the respondent in

identifying an ACGME accredited residency program and once arrangements have been made for respondent to enroll in a specific ACGME accredited residency program, such information shall be communicated in writing to the Board. In the event respondent is unable to secure a residency position for the 2004-2005 academic year, respondent shall be permitted to apply for a residency position in the 2005-2006 academic year.

2. Upon completion of the residency program, respondent shall submit to a re-evaluation by MRAC, Inc. An evaluation report shall be submitted to the Board by MRAC, Inc. no later than sixty (60) days from the date of the evaluation.

3. Effective immediately and until further order of the Board, respondent voluntarily agrees to, and shall cease and desist the practice of medicine in the State of New Jersey except as may be required by the residency program and only under the supervision of the Residency Program Director or a designee.

4. Respondent's original New Jersey license and current biennial registration shall be held in escrow by his attorney and may be made available to him for his application and use in a residency program. Respondent may represent that the medical license is available to him in an application for a residency program.

5. Respondent agrees to pay all costs associated with the residency program and the re-evaluation.

6, Respondent agrees to sign any releases necessary to enable the residency program to provide to the Board details of his progress, regardless of whether or not he successfully completes the residency program.

7. After respondent has been re-evaluated and receives an Assessment Report, he shall appear before a Committee of the Board and demonstrate full satisfaction of this Order. The Board reserves the right to bring further proceedings if respondent does not successfully complete the required one year residency program or fails to enroll in such a program by July 1, 2005.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: \_\_\_\_\_  
David M. Wallace, M.D.  
Board President

I have read and I understand the terms and conditions of the within Order and agree to be bound by the terms of this Order. I hereby give my consent to the entry of this Order.



\_\_\_\_\_  
Balkrishna Nigam, M.D.

Consent as to the form of this Order is given,



\_\_\_\_\_  
Donna Mantell, Esq.