

FILED

OCTOBER 25, 2004

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

In the matter of: *

GAIL SIBER, M.D. *

CONSENT ORDER

This matter was opened before the **Medical** Practitioner **Review** Panel (the "Panel") upon the Panel's receipt of notice that a settlement had been entered in a civil **malpractice** action brought against Respondent **involving** care provided to patient M.S. The malpractice action was **predicated** upon allegations that Respondent failed to **timely** diagnose bilateral hip dysplasia in a **two** year old **child**.

The Panel reviewed **available** information to include **Respondent's** patient records for patient M.S. and testimony **offered** by **Respondent** when she appeared before the Panel on January 16, 2004, **represented** by David A. Klein, Esq. At the conclusion of **its** investigation, **the** Panel found that the examinations which **Dr. Siber** testified she performed and **documented** in her patient chart for patient M.S. were inadequate (for reasons to include Respondent's repeated failure to examine M.S.' hips and/or observe the child walk). **Additionally**, the Panel found that Respondent's record-

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keeping failed to conform to the requirements of N.J.A.C. 13:35-6.5 (for reasons to include her failure to list pertinent negatives, failure to document developmental milestones and failure to provide her rationale for diagnoses made in the patient chart, and for failing to chart pertinent information about patient M.S. in patient M.S.' own chart and instead recording that information in the chart of M.S.' sibling).

The state Board of Medical Examiners reviewed the report and recommendations of the Panel, and concurred with the Panel's recommendation that cause for disciplinary action existed in this matter against Respondent, pursuant to N.J.S.A. 45:1-21 (d) and 45:1-21(h), based on her having committed repeated acts of negligence when examining patient M.S. on multiple occasions and based on her failure to maintain medical records that met the requirements of N.J.A.C. 13:35-6.5. The Board being satisfied that the within Order will adequately protect the public health, safety and welfare, and being satisfied that good cause exists for the entry of this Order,

IT IS on this 25th day of October, 2004

ORDERED and AGREED:

1. Respondent Gail Siber, M.D., is hereby formally reprimanded for having for having committed repeated acts of negligence by failing to conduct sufficiently thorough examinations of patient M.S. and for having failed to prepare patient records for

patient M.S. in accordance with the standards for preparation of patient records set forth at N.J.A.C. 13:35-6.5.

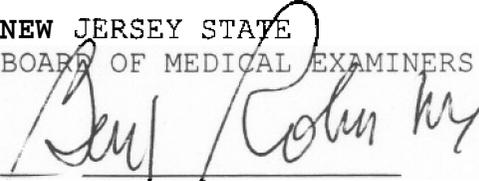
2. Within six months of the date of entry of this Order, Respondent shall successfully complete a continuing medical education course, acceptable to the Board, in medical record-keeping. Prior to scheduling any course to satisfy the requirements of this paragraph, Respondent shall secure the Board's approval for the course she proposes to take by providing the Board with descriptive materials concerning the course, and obtaining written approval from the Board for the proposed course. Respondent shall thereafter ensure that documentation attesting that Respondent successfully completed the course is submitted to the Board.
3. Within six months of the date of entry of this Order, Respondent shall successfully complete a pediatric orthopedic review course acceptable to the Board. Prior to scheduling any course to satisfy the requirements of this paragraph, Respondent shall secure the Board's approval for the course she proposes to take by providing the Board with descriptive materials concerning the course, and obtaining written approval from the Board for the proposed course. Respondent shall thereafter ensure that documentation attesting that Respondent successfully completed the course is submitted to the Board.

4. Commencing thirty days **from** the date **of** signing of this Order, **Respondent** shall **submit** six patient charts per month (provided **Respondent**, in fact, treats or **examines** six patients in a given month) to the Board **to be reviewed by** the Medical Director of **the** Board. The charts **shall be selected** pursuant **to** any **instructions** for chart **selection** that the Board may provide **to** Respondent, or **by random selection** of **patient** charts by **representatives** of the Board. Respondent **agrees to meet with** the **Medical** Director of the Board **to discuss** her record-keeping **at such times** as the Medical Director may request face-to-face **meetings**. Following **twelve** months of chart **reviews**, the Medical Director **of** the Board shall **submit** a report to the Board and then recommend whether **need exists** for Respondent **to** continue to **submit** patient records for review. The Board may, at its sole discretion, then modify or eliminate the requirement established herein that Respondent submit **patient** records for review **by** the Medical Director of **the** Board.
5. In **the** event Respondent **permanently** retires from the practice of medicine prior to **the** timely **completion** of the requirements set forth in paragraphs 2; 3; & 4 above, Respondent shall not be required thereafter **to** complete said requirements. In such **event**, Respondent shall provide the Board with a Certification **attesting** that Respondent has permanently retired from the

practice of medicine in New Jersey and elsewhere, and further attesting that Respondent shall not, thereafter, retain or seek to secure a license to practice medicine in New Jersey or elsewhere.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

By:


Bernard Robins, M.D.
Board President:

I hereby give my consent to the Board to enter this Order as a matter of record, and agree to comply with and be bound by the terms of this Order.



Gail Siber, M.D.

Consent given to the form and entry of this Order.



David A. Klein, Esq.
Counsel for Dr. Siber