

FILED

APRIL 11, 2005

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

In the Matter of:

MUNIR H. FASWALA, M.D.

ORDER OF TEMPORARY
SUSPENSION OF LICENSURE

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") on March 2, 2005, upon the filing of a Verified Complaint and Order to Show Cause, requiring respondent Munir H. Faswala to appear before the Board on March 9, 2005 and then show cause why an Order temporarily suspending or otherwise limiting his license to practice medicine in New Jersey should not be entered pending final disposition of all charges in the Administrative Complaint. Respondent was required to file a written answer to the charges set forth in the Verified Complaint not later than March 7, 2005.

The Attorney General alleges, within the Verified Complaint, that on three separate dates, respondent wrote prescriptions for both controlled dangerous substances and prescription legend drugs to an undercover police officer, in exchange for cash payments. In each case, it is alleged that Dr. Faswala did not conduct any physical examination of the officer, did not elicit any relevant medical history, did not seek to

CERTIFIED TRUE COPY

determine whether there might be any contraindications for the substances being prescribed and did not maintain any patient record. Respondent's actions are alleged to constitute multiple violations of the Medical Practices Act, and to be actions which demonstrate that respondent's continued practice would present a clear and imminent danger to public health, safety and welfare necessitating the temporary suspension of his license, pending the completion of plenary proceedings in the case, see N.L.S.A. 45:1-22. The events which are detailed in the complaint and alleged to provide grounds for the entry of an Order of temporary suspension are also the predicate for criminal charges which are presently pending against respondent.

Respondent failed to file an answer to the complaint, and did not appear before the Board in person or by any proxy on March 9, 2005." Deputy Attorney General Daniel S. Goodman then appeared before the Board, and the hearing on the application for temporary suspension commenced in Dr. Faswala's absence.

Entry of Default

Given Dr. Faswala's failure to appear, the Attorney General initially moved to proceed in default. We granted the motion, upon a showing that ample and appropriate efforts were

The hearing, which had been noticed for 10:00 a.m., did not actually commence until approximately 11:00 a.m. At that time, D.A.G. Goodman represented that he had repeatedly called out Dr. Faswala's name in the area surrounding the hearing room, but no one had answered said calls. We further note that at no time on March 9, 2005, did Dr. Faswala make any appearance before the Board.

undertaken to effect service upon Dr. Faswala. The Attorney General demonstrated that all filed papers, to include the Verified Complaint, Order to Show Cause and brief in support of the Attorney General's application, had been served upon respondent on multiple occasions, both by way of a hand-delivery to respondent's address of record on March 4, 2005 (left between the screen and front door) by Enforcement Bureau Investigator Michael Carducci (P-4), and by three separate overnight UPS deliveries, all delivered to the address of record that respondent has maintained with the Board (P-5, P-6, P-7; see also P-4, ¶3, wherein Investigator Carducci states that on March 4, 2005, he observed an envelope lying between the screen and front doors addressed to Dr. Faswala left by overnight mail service).*

In addition to the mailings and the delivery of papers to respondent's address of record, Investigator Carducci attempted to phone Dr. Faswala at the number thought to be Dr. Faswala's home telephone, but discovered that the number had been disconnected (P-4). Finally, we note that it appears that the packages that were delivered to Dr. Faswala's door were in fact picked up, as Sergeant Robert Rubino of the Brigantine Police Department has certified that, on March 8, 2005, he drove by the home of Dr. Faswala at 506 Lagoon Boulevard, Brigantine, New Jersey, and then witnessed a car registered to Dr. Faswala in the driveway, and observed that there

The address of record respondent maintained with the Board is 506 Lagoon Boulevard, Brigantine, New Jersey 08203 (P-3).

were no packages at the front door (P-8, ¶2). We are thus satisfied and find that adequate efforts were made to serve Dr. Faswala with notice of this proceeding, and that the efforts that were made in fact constitute service of process; and we therefore grant the Attorney General's motion to proceed in default.

Application for Temporary Suspension

On review of the evidence submitted supporting the Attorney General's application for the temporary suspension of Dr. Faswala's license, we are satisfied that the allegations set forth in the Verified Complaint are supported by the evidence presented.' We unanimously conclude that the Attorney General has made a palpable demonstration that respondent's continued practice at this time would present clear and imminent danger to public health, safety and welfare, and we herein order the temporary suspension of respondent's license.

The un rebutted evidence before us thus demonstrates that Dr. Faswala was arrested by the Millville Police Department, Cumberland County, New Jersey on February 16, 2005. He was then charged with four counts of unlawfully dispensing a controlled dangerous substance, in violation of N.J.S.A. 2D:35-5B(10); three counts of unlawfully dispensing a prescription legend drug, in violation of N.J.S.A. 2C:35-10.5A; four counts of unlawfully

A complete list of all documents moved into evidence before the Board on March 9, 2005 is appended hereto.

dispensing a controlled dangerous substance within 500 feet of a public building, in violation of ~~N.J.S.A.~~ 2C:35-7.1A; and three counts of financial facilitation of criminal activity, in violation of N.J.S.A. 2C:21-25B(1) (P-1A).

The Millville Police Department commenced an investigation of respondent upon receipt of a tip in November 2004 from a confidential informant who related information that respondent was prescribing medications for person(s) who would pay him money to do so and that respondent never examined these patients (P-1B; P-1D). The informant further suggested that he/she had seen Dr. Faswala engage in this activity "first hand" and that Dr. Faswala would simply ask what medications a person needed and prescribe those medications for a fee (P-1B).*

Based on the tip received, the Millville Police Department staged an undercover operation to investigate the information received from the confidential informant (P-1B). On January 28, 2005, Detective Brian Starcher of the Millville Police Department, acting in a covert capacity using the alias "Dalton Reeves," went to Dr. Faswala's office along with a confidential informant, who introduced "Dalton Reeves" to respondent (P-1C). Detective Starcher told Dr. Faswala that he "needed some pills" and that he had been "eating up other people [sic] pills" (P-1C). Dr.

The confidential informant also stated that in addition to taking cash for prescriptions, Dr. Faswala would bill Medicaid for services that he never rendered. (P-1D).

Faswala asked Detective Starcher what his problem was and the Detective stated that he "needed pain pills" and that he "was not sleeping" (P-1C). Detective Starcher advised Dr. Faswala that he had a \$100 bill for Dr. Faswala "just to help him out with the pills" (P-1C). He took a \$100 bill and held it in front of Dr. Faswala, who took the bill and put it in his shirt pocket without saying a word (P-1C). Although Dr. Faswala did ask "Dalton Reeves" to go to another room where his nurse would perform a bone scan, "Dalton" refused the scan and told Dr. Faswala that he was "closterphobic [sic]" (P-1C). As related further in Detective Starcher's report:

Dr. Faswala then asked where I was in pain. I advised in my back, winked and pointed to same at which time Dr. Faswala leaned up from sitting in his chair to observe where I was pointing. Dr. Faswala never left from behind his desk nor did he examine me.

Dr. Faswala then wrote me three prescriptions Soma, Fioricet on one script and Xanax on another script. The prescriptions were in his name, Munir H. Faswala, MD of 214 North 2nd Street Millville, NJ 08332. ... Dr. Faswala then asked me if I could obtain a copy of my medical files so he could have them. I advised I would attempt to get a copy.

It should be noted that Dr. Faswala never examined me, touched me nor inquired about my medical history, injuries or Past or present medications that I may have taken or currently am takins. Dr. Faswala also never offered or provided a receipt for this office visit. (P-1C; emphasis added). See also P-ID, P-1E (copies of prescriptions written by Dr. Faswala on January 28, 2005).

It further appears that on a subsequent undercover visit on February 9, 2005, Detective Starcher again secured prescriptions in exchange for a cash payment of \$100. On February 9, 2005, Detective Starcher told Dr. Faswala that he had returned to the office because he "wanted some more pills" (P-1F). Detective Starcher again placed a \$100 bill in respondent's shirt pocket, whereupon Dr. Faswala took his prescription pad from his jacket and asked the undercover officer what he wanted (P-1F). Detective Starcher asked for prescriptions for Xanax and Vicodin; respondent said he would prescribe Zydone, which he said was the same thing as Vicodin (P-1F). Upon payment, respondent pulled out his prescription pad and wrote prescriptions for Xanax and Zydone [P-1F; P-1G; P-1H (copies of prescriptions for Xanax and Zydone written on February 9, 2005)]. Additionally, Dr. Faswala, believing that Detective Starcher was an unemployed mechanic, asked whether Detective Starcher would install a heater blower motor in his car, and advised Starcher that "if [Starcher] fixed his car [Dr. Faswala] would take care of [Starcher] and write [Starcher's] scripts out for free" (P-1F). As had been the case on the prior office visit, Dr. Faswala never examined Dalton or asked him about current medications (P-1F).

A third and final undercover visit occurred on February 14, 2005 (P-1I). Once again, Detective Starcher's professed reason for the visit was that he "needed more pills" (P-1I). On this

occasion, Detective Starcher was again able to secure two prescriptions (post-dated for February 16, 2005 for Zydone and for Calcifol) in exchange for payment of \$100 cash (P-11, P-1J, P-1S, copies of prescriptions for Zydone and Calcifol, dated February 16, 2005, written on February 14, 2005). Dr. Faswala also promised Starcher that he would write a prescription for more 'Zannies" (Xanax) after Detective Starcher fixed Faswala's car (P-1I). The evidence further indicates that, on this visit, Dr. Faswala added information to forms that Detective Starcher completed at Dr. Faswala's request, and filled out a 'diagnosis' on said forms without asking the undercover officer any additional questions and without examining him (P-1I). Respondent then winked at the undercover officer and explained that he was doing this so that he would have "proof" for his files (P-1I, P-1V). Once again, the prescriptions were written without examination or touching, inquiring about the undercover officer's medical history or making any inquiry about the medications that the undercover officer may have taken in the past or was currently taking (P-1I and P-1V).

Based on the above evidence, it is abundantly clear that Dr. Faswala in essence sold prescriptions for Controlled Dangerous

The evidence does suggest that on the third visit, Dr. Faswala scheduled Detective Starcher to have an MRI done at a facility in Vineland, New Jersey (P-1I). Dr. Faswala wrote additional prescriptions for Starcher, however, without awaiting the results of any MRI, and indeed without having secured any objective evidence whatsoever to suggest that there was any medical necessity for any of the prescriptions he wrote for Detective Starcher.

Substances and Prescription Legend Drugs to an undercover officer for **cash**, on **three separate dates**. It is **patently obvious** that **there** was no medical **basis** for the **prescriptions**, and that they **instead** were issued in exchange for cash payments of \$100 on each occasion. Additional **prescriptions** for **Xanax** were promised to be forthcoming if the undercover officer **repaired** Dr. Faswala's car. On **each** occasion, Dr. Faswala **conducted no** physical examination, asked no questions and **kept no records** [See P-2; Certification of Brian Starcher dated **March 2, 2005**, ¶4 (noting that no patient record for "Dalton Reeves" was found following seizure of records pursuant to lawful search warrants)]. Given **respondent's** default, we note that there is nothing in the record that **rebuts or casts any question** upon the evidence presented by the Attorney General.

In order to enter an order of temporary **suspension**, the Board must find that the "application **made to** the Board palpably **demonstrates** a clear and imminent danger to the public health, **safety** and welfare and notice of such application is given **to** the licensee **affected** by such **Order.**" N.L.S.A. 45:1-22. We unanimously conclude that a palpable demonstration has been made **that respondent's continued practice presents clear and imminent danger**. In this case, **the evidence** before us suggests that Dr. Faswala acted not as a medical doctor, but rather as a street level drug **pusher**. The misconduct is **necessarily aggravated** by the fact that **respondent**, as a physician, is presumed to be aware of the

hazards of illicit drug use. It is abundantly clear that the undercover officer had no medical condition necessitating or warranting the prescribing done by respondent, and it is abundantly clear that Dr. Faswala knew or should have known that to be the case.

We have in the past found, and again find today, that cause for the entry of an Order of Temporary Suspension exists when a licensee uses his license to simply sell drugs. See I/M/O Aftab A. Siddiqui, M.D., Board Order of Temporary Suspension, filed May 11, 1998. As we found in the case of Dr. Siddiqui, prescribing for cash presents a clear and imminent -- indeed, grave -- danger to public health safety and welfare. Dr. Faswala used his medical license, and the attendant power to prescribe, as a means to facilitate the sale of prescription drugs. He prescribed medications without concern or regard for medical need, and without apparent thought or concern for the use to which the drugs he was prescribing would be put. By doing so, he necessarily abused and shattered the trust invested in him as a medical licensee.

As we found in the Siddiqui case, we again today find and conclude that a physician who abuses his power to prescribe and uses that power in bad faith to simply sell medically unnecessary drugs exhibits severe dereliction of judgment and flagrantly flouts recognized principles and ethics of medical practice. We unanimously conclude that respondent's actions support, if not

dictate, the entry of an **order of temporary** suspension of **licensure**, as no sanction short of the full and **immediate temporary suspension** of Dr. Faswala's license could **adequately** protect the **public in this case**.

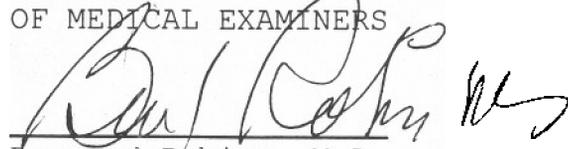
WHEREFORE, it is on this ^{30th} day of March, 2005

ORDERED, effective nunc pro tunc March 9, 2005:

The license of respondent Munir H. Faswala, M.D., to practice medicine and surgery in the State of New Jersey, **is temporarily suspended** pending the completion of plenary proceedings **in this matter**.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:


Bernard Robins, M.D.
Board President

Appendix

Items Moved in Evidence on March 9, 2005

- P-1 Certification of True Copy by Detective/Sergeant Ronald A. Harvey, Millville Police Department, dated March 1, 2005
- P-1A Arrest Report and Criminal Complaint for Munir H. Faswala, M.D., dated February 16, 2005.
- P-1B Initial investigation report, signed by Detective/Sergeant Harvey, dated February 15, 2005.
- P-1C Supplemental investigation report, signed by Detective Brian R. Starcher, dated February 15, 2005.
- P-1D Supplemental investigation report, signed by Detective Harold N. Duffield, dated February 15, 2005.
- P-1E Two prescriptions written by Munir H. Faswala, M.D. for "Dalton Reeves," dated January 28, 2005, for Soma, Fioricet and Xanax.
- P-1F Supplemental investigation report, signed by Detective Starcher, dated February 15, 2005.
- P-1G Supplemental investigation report, signed by Detective Duffield, dated February 15, 2005.
- P-1H Two prescriptions written by Munir H. Faswala, M.D., for "Dalton Reeves," dated February 9, 2005 for Xanax and Zydone
- P-1I Supplemental investigation report, signed by Detective Starcher, dated February 15, 2005.
- P-1J Supplemental investigation report, signed by Detective/Sergeant Harvey, dated February 15, 2005.
- P-1K Supplemental investigation report, signed by Detective Starcher, dated February 17, 2005.

- P-1L Supplemental **investigation** report, signed by Detective Duffield, dated February 16, 2005.
- P-1M Supplemental **investigation** report, signed by Detective/Sergeant Harvey, dated February 17, 2005.
- P-1N Supplemental **investigation** report, signed by Detective Starcher, dated February 18, 2005.
- P-1O Supplemental **investigation** report, signed by Detective Duffield, dated February 18, 2005.
- P-1P Supplemental **investigation** report, signed by Detective Starcher, dated February 18, 2005.
- P-1Q Supplemental **investigation** report, signed by Detective Starcher, dated February 18, 2005.
- P-1R Supplemental **investigation** report, signed by Detective Duffield, dated February 18, 2005.
- P-1s Two prescriptions written by Munir H. Faswala, M.D. for "**Dalton Reeves,**" dated February 16, 2005, for Calcifol and Zydone
- P-1T Copies of two \$50 bills used in the undercover investigation of Dr. Faswala on February 14, 2005.
- P-u Copy of **receipt** from Advance Auto Parts for a **blower** motor, dated February 14, 2005 (totaling \$89.71).
- P-1V Transcription of **recording** taken on February 14, 2005, between Dr. Faswala and undercover Detective Starcher.
- P-1W Copy of New Jersey Medicaid Card for "**Dalton Reeves.**"
- P-1X University **Imaging** Center referral for "**Dalton Reeves.**"
- P-2 **Certification** of Detective Brian Starcher, dated March 2, 2005.

- P-3 Printout from License 2000 of Contact information for Munir **H.** Faswala, M.D.
- P-4 Affidavit of Service of **Michael J.** Carducci dated March 8, 2005
- P-5 United **Parcel Service** Tracking information for Shipment from **DAG Daniel** Goodman to Munir H. Faswala, tracking number 1Z F04 61E 22 1018 6479
- P-6 United **Parcel Service** Tracking information for Shipment from DAG Daniel Goodman to Munir H. Faswala, tracking number 1Z **F04 61E** 22 1018 6568
- P-7 United **Parcel Service** Tracking information for Shipment from DAG Daniel Goodman to **Munir H. Faswala**, tracking number 1Z F04 61E 44 9252 008 2
- P-8 Certification of **Robert** Rubino dated March 8, 2005

ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the practice **was conducted**. At the **end** of the three month **period**, the licensee shall **file** with the **Board** the name and **telephone number** of the contact **person who will have access to medical records** of former **patients**. Any change *in* that **individual** or his/her **telephone number shall be** promptly reported to the **Board**. When a patient or his/her representative **requests a copy of his/her medical record or asks that record be** forwarded to another health care **provider**, the licensee shall **promptly** provide the **record** without **charge** to the patient.

5. Probation/Monitoring Conditions

With **respect** to any licensee **who is** the subject of **any** Order imposing a probation or monitoring requirement **or a stay** of an active **suspension, in whole or in part, which is** conditioned upon compliance **with a probation or monitoring requirement, the licensee shall fully cooperate** with the **Board and its designated** representatives, **including the Enforcement Bureau of the Division of Consumer Affairs**, in ongoing monitoring of the licensee's **status and practice**. Such monitoring shall be at the **expense of** the **disciplined practitioner**.

(a) Monitoring **of** practice conditions may **include, but is not limited to**, inspection of **the professional premises and equipment, and** inspection and copying of patient **records** (confidentiality of patient **identity shall be protected by** the Board) **to verify** compliance with the **Board Order** and accepted **standards** of practice.

(b) Monitoring of status **conditions** for an impaired practitioner **may include, but is not limited to**, practitioner cooperation in providing releases permitting **unrestricted access to records and** other information **to the** extent permitted **by law** from any treatment facility, other treating practitioner, **support** group or other **individual/facility involved in the** education, treatment, monitoring or oversight of the practitioner, or maintained **by** a rehabilitation program for **impaired** practitioners. If **bodily substance** monitoring has been ordered, the practitioner shall fully cooperate **by** responding to a **demand** for breath, blood, **urine** or other sample in a timely manner **and** providing the **designated** sample.



**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to **N.J.S.A. 45:9-19.13**, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.