

FILED

January 18, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS
Docket No.

_____	:	
IN THE MATTER OF THE SUSPENSION :	:	
OR REVOCATION OF THE LICENSE :	:	Administrative Action
OF :	:	
	:	ORDER OF SUMMARY SUSPENSION
NINA D'LUGY, M.D. :	:	
LICENSE NO. 25MA04946100 :	:	
	:	
TO PRACTICE MEDICINE AND :	:	
SURGERY IN THE STATE OF NEW :	:	
JERSEY :	:	
_____	:	

THIS MATTER was opened to the New Jersey Board of Medical Examiners by Deputy Attorney General Kevin R. Jespersen, appearing on behalf of the Attorney General of New Jersey. The Attorney General has conducted an investigation of this matter and, based upon that investigation, has concluded that good cause exists to file an Administrative Complaint against the Nina D'Lugy, M.D. The

CERTIFIED TRUE COPY

Attorney General informs the Board that there is sufficient information to allege, among other things:

1. Dr. D'Lugy directed her office staff to administer a colonic irrigation to the patient A.B. No medical reason justified the administration of the colonic irrigation to the patient A.B. The procedure, moreover, was performed by office personnel who were unlicensed and untrained to render such services, and without proper supervision from Dr. D'Lugy.

2. Dr. D'Lugy billed A.B.'s health insurer fifteen times using CPT Code 45915, a billing code that may be appropriately used only for the removal of a fecal impaction under anesthesia. Dr. D'Lugy billed the insurer fifteen times using CPT Code 45915 even though she provided a colonic irrigation to A.B. on only one occasion, a procedure that for both medical and billing purposes is less significant than the removal of a fecal impaction under anesthesia.

3. Dr. D'Lugy directed her office staff to administer colonic irrigations to the patient K.I. on four occasions. No medical reason justified the administration of the colonic irrigation to the patient K.I. The procedures, moreover, were performed by office personnel who were unlicensed and untrained to render such services, and Dr. D'Lugy did not supervise the procedures whatsoever.

4. Dr. D'Lugy billed K.I.'s health insurer fifteen times using CPT Code 45915, a billing code that may be appropriately used only for the removal of a fecal impaction under anesthesia. Dr. D'Lugy billed the insurer eleven times using CPT Code 45915 even though she provided a colonic irrigation to K.I. on only four occasions, a procedure that for both medical and billing purposes is less significant than the removal of a fecal impaction under anesthesia.

5. Dr. D'Lugy directed her office staff to administer a colonic irrigation to the patient R.P. on several occasions. No medical reason justified the administration of colonic irrigations to the patient R.P. The procedures, moreover, were performed by office personnel who were unlicensed and untrained to render such services, and Dr. D'Lugy did not supervise the procedures whatsoever.

6. Dr. D'Lugy billed R.P.'s health insurer twenty times using CPT Code 45915, a billing code that may be appropriately used only for the removal of a fecal impaction under anesthesia. Dr. D'Lugy billed the insurer using CPT Code 45915 even though she only provided colonic irrigations to R.P., a procedure that for both medical and billing purposes is less significant than the removal of a fecal impaction under anesthesia.

7. Dr. D'Lugy billed the patient N.A.'s health insurer five times under CPT Code 45915 (removal of fecal impaction under

anesthesia); five times under CPT Code 69210 (removal of ear wax from one or both ears); six times under CPT Code 09614 (physical therapy for more than two modalities); and one time under CPT Code 11404 (excision of skin tag). Dr. D'Lugy never provided any of these services for which she billed.

8. On January 27, 1998, and June 23, 1998, Dr. D'Lugy provided the patient M.Y. with prescriptions for Roxicet, which is the proprietary name for a compound of oxycodone and acetaminphen. Roxicet is a Schedule II Controlled Dangerous Substance. At the time that Dr. D'Lugy issued the prescriptions, Dr. D'Lugy did not possess a valid registration to dispense controlled dangerous substances as required under the New Jersey Controlled Dangerous Substance Act, N.J.S.A. 24:21-1, et seq. Moreover, no valid medical reason existed for issuing the prescriptions.

9. On December 8, 1997, June 23, 1998, and August 11, 1998, Dr. D'Lugy provided the patient M.Y. with prescriptions for Dalmane, which is the proprietary name for flurazepam hydrochloride. Dalmane is a Schedule IV Controlled Dangerous Substance. At the time that Dr. D'Lugy issued the prescriptions, Dr. D'Lugy did not possess a valid registration to dispense controlled dangerous substances as required under the New Jersey Controlled Dangerous Substance Act, N.J.S.A. 24:21-1, et seq. Moreover, no valid medical reason existed for issuing the prescriptions.

10. On April 28, 1998, and August 11, 1998, Dr. D'Lugy provided the patient M.Y. with prescriptions for Ambien, which is the proprietary name for zolipdem tartrate. Ambien is a Schedule IV Controlled Dangerous Substance. At the time that Dr. D'Lugy issued the prescriptions, Dr. D'Lugy did not possess a valid registration to dispense controlled dangerous substances as required under the New Jersey Controlled Dangerous Substance Act, N.J.S.A. 24:21-1, et seq. Moreover, no valid medical reason existed for issuing the prescriptions.

Such allegations, if proven, would establish that Dr. D'Lugy, among other things:

1. Engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise and false pretense, in violation of N.J.S.A. 45:1-21;

2. Engaged in repeated acts of negligence and gross negligence, in violation of N.J.S.A. 45:1-21(c) and (d);

3. Engaged in professional misconduct, in violation of N.J.S.A. 45:1-21(e);

4. Engaged in acts in violation of the New Jersey Dangerous Controlled Substances Act, N.J.S.A. 24:21-1, et seq., and hence engaged in acts constituting an offense relating adversely to the activities regulated by the Board, in violation of N.J.S.A. 45:1-21(f);

5. Violated the provisions of the statutes and regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h);

6. Prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, in violation of N.J.S.A. 45:1-21(m);

7. Permitted unlicensed persons to perform acts for which a license is required by the Board, in violation of N.J.S.A. 45:1-21(n).

The Board finds as follows:

1. Nina D'Lugy, M.D. is the holder of License No. 25MA04946100 and was licensed to practice medicine and surgery in the State of New Jersey prior to June 30, 2005, after which time Respondent permitted her license to lapse.

2. Dr. D'Lugy's failure to submit the biennial renewal for her license in 2005 resulted in a lapsed license status and provides grounds, pursuant to N.J.S.A. 45:1-7.1(b), to suspend, without hearing, Dr. D'Lugy's license to practice medicine and surgery in the State of New Jersey.

IT IS on this 18TH day of JANUARY, 2007,

ORDERED:

1. The license of Nina D'Lugy, M.D. to practice medicine and surgery in the State of New Jersey is hereby suspended, without hearing, pursuant to N.J.S.A. 45:1-7.1(b).

2. In the event that Nina D'Lugy, M.D. seeks reinstatement of her New Jersey license to practice medicine and surgery at any time in the future, Dr. D'Lugy shall demonstrate her fitness to resume practice and show cause why the application for reinstatement should not be refused or issued subject to such restraints, as the Board may deem appropriate, because of her conduct regarding the care provided to the patients A.B., K.I., R.P., N.A., and M.Y.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: Sindy Paul, M.D.
Sindy Paul, M.D.
President

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September 19, 2006

Kevin R. Jespersen, Esq.
Deputy Attorney General
Division of Law
P.O. Box 45029
Newark, New Jersey 07101

Re: Nina Dlugy M.D.

Dear Mr. Jespersen:

I, Nina Dlugy, am a permanent resident of Sicily, Italy, and no longer reside in the State of New Jersey.

I have no present plans to return to New Jersey, nor do I have any present plans to reside in the State of New Jersey in the future.

Additionally, I have no present plans of practicing medicine in the State of New Jersey, or anywhere else in the United States.

Thank you.

Very truly yours,

Nina Dlugy

The above, Nina Dlugy, known to me, appeared before me on the _____ day of _____ 2006 and affixed her signature hereto in my presence.

COMUNE DI SILESCIA

Il sottoscritto Funzionario Incasato, in qualità di Notaio Pubblico, ha ricevuto in visione e lettura l'atto di cui sopra, e ha verificato che il sottoscritto Dlugy Nina, di nazionalità Russa, è residente in Italia, e che ha affisso la propria firma all'atto di cui sopra, e che l'atto è conforme a verità.

Notary Public

Dlugy Nina
RUSSIA 21-03-1945

Bozza n° 094639541 (R.C. 130-3-45 PHILADELPHIA)



11 OTT. 2006

IL FUNZIONARIO INCASATO
(L'Esclusivo Ufficio)