

**FILED**

December 4, 2008

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS ccf**

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

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In the Matter of:

SANTUSHT PERERA, M.D.

ORDER AUTHORIZING RESPONDENT  
TO RESUME THE PRACTICE OF  
MEDICINE AND SURGERY DURING  
PERIOD OF STAYED SUSPENSION

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This matter was reopened before the State Board of Medical Examiners for the limited purpose of considering whether respondent Santusht Perera, M.D., may presently be authorized to engage in the practice of medicine during an eighteen month period of stayed licensure suspension, which period is to commence on December 7, 2008 and continue through and including June 6, 2010.

The history of this matter, to include the procedural history and all findings of fact and conclusions of law made by the Board, is fully set forth within prior orders of this Board, to include the Final Order in the matter of Santusht Perera, M.D. Adopting in Part and Modifying in Part Initial Decision of ALJ Springer, filed June 5, 2008, a Stay Order in the matter of Santusht Perera filed June 6, 2008, and an Order vacating Stay in the matter of Santusht Perera filed June 16, 2008. As set forth within said Orders, following hearings before the Office of Administrative Law, the Board ultimately found and concluded that Dr. Perera engaged in two distinct acts of gross negligence when

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he: (1) needlessly removed the middle and lower lobes of patient R.F.'s right lung (rather than his left lung, where a carcinoid tumor had been identified) during an operation on September 5, 2000, and (2) by failing to have recognized and corrected his error (by, among other items, failing to order a repeat CAT scan) prior to commencing the operation. We further found that Dr. Perera deliberately altered the medical record he maintained for R.F. (specifically, a note dated August 29, 2000) so as to make it appear that his decision to perform right-sided surgery was intentional, rather than a product of physician error.

Based on those conclusions, we ordered that respondent's license was to be suspended for a period of two years, the first six months of which (at a minimum) were to be served as a period of active suspension and the remainder of which was to be stayed and served as a period of probation. We additionally assessed a civil penalty in the amount of \$30,000, assessed costs in the amount of \$51,273.10, and ordered that, during the period of active suspension, respondent fully attend and successfully complete courses acceptable to the Board in medical record-keeping and medical ethics. Finally, our prior Order specified that, prior to resuming any practice of medicine during the period of probation or thereafter, respondent was to appear before a Committee of the Board and demonstrate both that he had complied with all conditions of the Board's Order and demonstrate fitness to resume the practice

of medicine and surgery in the State of New Jersey.

Consistent with the terms of our prior Order, Dr. Perera appeared before a Committee of the Board on November 19, 2008, represented by Michael Keating, Esq. Deputy Attorney General Jespersen appeared at said hearing on behalf of the Attorney General of New Jersey, and Dr. Perera then answered questions posed to him both by D.A.G. Jespersen and members of the Committee.

The Board finds that respondent has complied with all terms and conditions of the Board's prior Order, to specifically include his having made payment in full of all costs and fines imposed by the Board, and having successfully completed courses acceptable to the Board in record-keeping and ethics. When appearing before the Committee of the Board, respondent continued to deny (as he had in testimony which he offered before the Office of Administrative Law) that he had not intended, when performing surgery on September 5, 2000, to operate on and remove portions of R.F.'s right lung, and continued to deny that he had altered his medical progress note of August 29, 2000 at some time after the operation was performed so as to make it appear that his intent had been to operate on the right lung rather than to remove a carcinoid which had been identified in R.F.'s left lung. Respondent also does not presently accept responsibility for mistakes on his part (other than for having failed to do a repeat CAT scan prior to performing the operation on R.F., and acknowledging that his

records were not as complete as they could have been), nor does he appear to demonstrate remorse for the events which occurred and the subsequent death of R.F.

The Board expressly notes that it finds respondent's failure to presently accept responsibility for the conduct which respondent was found to have engaged in, and his apparent failure to show remorse for the events which occurred, to be disturbing. Nonetheless, we cannot conclude that he is not presently fit to resume the practice of medicine, as our prior Order previously meted out those sanctions which we concluded were appropriate to redress the misconduct that we found respondent engaged in, and there is no other evidence before us (that is, evidence concerning Dr. Perera's practice in any matter other than that involving patient R.F.) which would cause us to question respondent's fitness or competency. Accordingly, we presently find sufficient cause to authorize respondent to resume the practice of medicine and surgery during the eighteen month period of stayed suspension, provided that, during said period, respondent complies with all statutes and regulations governing the practice of medicine and surgery in the State of New Jersey.

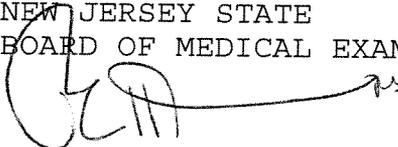
WHEREFORE, it is on this 3<sup>rd</sup> day of December, 2008

ORDERED:

Respondent Santusht Perera, M.D., is hereby authorized to resume the practice of medicine and surgery in the State of New

Jersey, during a period of stayed suspension of licensure, to be deemed a period of probation, which will commence on December 7, 2008 and continue through June 6, 2010. Respondent is ordered to comply with all statutes and regulations governing the practice of medicine and surgery in the State of New Jersey during said period. Should respondent fail to comply with any such statutes or regulations, said failure may be basis, without more, upon which the Board may Order the re-activation of respondent's suspension of license.

NEW JERSEY STATE  
BOARD OF MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read 'P. Mendelowitz', with a long horizontal stroke extending to the right and ending in a small arrowhead.

By:

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Paul C. Mendelowitz, M.D.  
Board President