

**FILED**

JANUARY 20, 2009

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law - 5th Fl.  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

NUNC PRO TUNC JUNE 30, 2005

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Hakima Bey  
Deputy Attorney General  
Tel: (973) 648-2478

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS  
OAL DOCKET NO.

_____	:	
IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	
	:	Administrative Action
THOMAS E. SIMPSON, M.D.	:	CONSENT ORDER
LICENSE NO. MA 04244100	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") upon receipt of information which alleged that Thomas E. Simpson, M.D., (hereinafter the "Respondent"), failed to diagnose and treat a bowel obstruction during his surgical care of patient S.C. which resulted in the patient's death. The Respondent submitted a written response and testified before the North Jersey Preliminary Evaluation Committee of the Board on March 3, 2004, concerning his care of the patient. The Respondent's testimony revealed that Respondent was called in for a surgical consultation following the patient's gynecological surgery. The Respondent explained that

**CERTIFIED TRUE COPY**

although x-rays revealed a possible small bowel obstruction which was being monitored, he hesitated to re-operate at that juncture since he contended that it was not in the patient's best interests in light of the patient's clinical progress and recent surgery.

A detailed review of the hospital records and Respondent's written and oral responses under oath raised concerns about Respondent's medical management of patient S.C. The Board notes that delay in surgical intervention is understandable and warranted when there is doubt concerning the diagnosis, especially following a recent surgical procedure. Nonetheless, the Board finds that the Respondent neglected the laboratory signs of bowel obstruction, including; an elevated BUN, a drop in urine output, and excessive nasogastric-tube discharge and relied, instead, on clinical signs such as flatus, bowel movements and the patient being ambulatory. Respondent's conduct demonstrates a violation of N.J.S.A. 45:1-21 (c).

Respondent being desirous of resolving this matter without further formal proceedings and the Board finding the within Order adequately protective of the public health, safety and welfare, and for good cause having been shown:

IT IS on this 30th day of June, 2005

ORDERED AND AGREED:

1. Respondent, Thomas E. Simpson, M.D. is hereby reprimanded for the conduct described herein.

2. Respondent shall pay civil penalties in the amount of \$5,000.

3. Respondent shall pay investigative costs in the amount of \$712.50.

4. Said payments for civil penalties and costs shall be made by certified check or money order and made payable to the Board of Medical Examiners and shall be submitted to William Roeder, Executive Director of the Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183, within 10 days of entry of the Order.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By: 

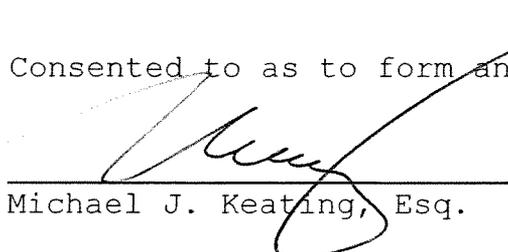
Dr. Bernard Robins, M.D., F.A.C.P.  
President

I have read and understood the within Order and agree to be bound by its contents. Consented to as to form and entry.



Thomas E. Simpson, M.D.  
Respondent

Consented to as to form and entry

  
Michael J. Keating, Esq.

**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.