

FILED

March 20, 2009

**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:

FARID HAKIMI, D.P.M.

ORDER AUTHORIZING
RESUMPTION OF PRACTICE
DURING STAYED PERIOD OF
LICENSE SUSPENSION WITH
CONDITIONS

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a request from respondent Farid Hakimi, D.P.M., that he be authorized to presently resume the practice of podiatry, during a period of stayed licensure suspension. We have reviewed and considered available information to include testimony that was offered by Dr. Hakimi when he appeared before a Preliminary Evaluation Committee of the Board on June 25, 2008, represented by Nabil Kassem, Esq., and a confidential report detailing findings and recommendations made following a psychosexual evaluation conducted at the J.J. Peters Institute. Based thereon, we presently conclude that cause exists to authorize Dr. Hakimi to resume the practice of podiatry. Any resumed practice is to be subject to conditions: (1) that Dr. Hakimi complete a "refresher course" in podiatry prior to resuming practice; (2) that Dr. Hakimi thereafter limit his practice of podiatry to a setting(s) where a Board-approved practice supervisor is present and oversees his practice; (3) that all patient visits be in the presence of a

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Board-approved chaperone; (4) that Dr. Hakimi receive treatment from a Board approved psychologist or psychiatrist, consistent with recommendations that were made within the report from the J.J. Peters Institute; and (5) that Dr. Hakimi make monthly payments to satisfy his outstanding financial obligations to the Board. We briefly summarize below the history of this matter, and then set forth with greater specificity the conditions and limitations that we herein order be imposed on Dr. Hakimi's practice of podiatry during the period of stayed licensure suspension.

The history of this matter is detailed at length in the Final Order which was filed in this matter on May 10, 2006. Briefly summarized, an administrative complaint seeking, among other items, the suspension or revocation of the license of Dr. Hakimi, was filed with the Board on October 4, 2004. Following a trial at the Office of Administrative Law, Dr. Hakimi was found by Administrative Law Judge Edith Klinger to have unnecessarily and inappropriately exposed and touched the naked body of a female patient during the course of a podiatric "examination" conducted in August 2001, and of having engaged in the unlicensed practice of podiatry from December 2001 through November 2003.

For reasons set forth in the Final Order, we ultimately modified ALJ Klinger's recommendation that Dr. Hakimi's license be revoked, and instead ordered that Dr. Hakimi's license be suspended for a period of five years, the first eighteen months of which (commencing as of May 3, 2006) were to be served as a period of

active suspension and the remainder to be served as a period of probation.¹ The Board expressly reserved the right to impose limitations and/or conditions upon any resumed practice of podiatry by Dr. Hakimi, during the period of probation or thereafter. Dr. Hakimi was assessed a civil penalty in the amount of \$20,000 and ordered to pay costs in the amount of \$65,934.66.² The Order further required that, during the period of active license suspension, Dr. Hakimi was to successfully complete courses pre-approved by and acceptable to the Board in professional ethics and boundary issues, and to submit to a psychosexual evaluation, to be conducted by an individual or entity acceptable to the Board, with a report detailing the results of that evaluation to be submitted for Board consideration. Finally, the Order specified that, before resuming any practice of podiatry during the period of probation, respondent was to appear before a Committee of the Board and then demonstrate both his compliance with all conditions of the Order and his fitness to resume the practice of podiatry.

Dr. Hakimi has demonstrated his compliance with all terms and conditions of our Order, with the exception of the payment of fines and costs that were assessed. He has thus provided documentation attesting that he completed courses acceptable to the Board in medical ethics and professional boundary issues. Dr. Hakimi

¹ It is thus the case that respondent could have applied to resume the practice of podiatry as of November 3, 2007.

² The amount of costs was fixed within a Supplemental Order Assessing Costs, filed on April 17, 2007.

has also demonstrated, to the satisfaction of the Board, that he is presently fit to resume the practice of podiatry, subject to a condition that he first complete a Board approved "refresher course" in podiatry prior to resuming any practice.

The Board has also reviewed a confidential report from Barry Zakireh, Ph.D., of the Joseph J. Peters' Institute, detailing findings and recommendations made upon completion of a comprehensive psychosexual evaluation. Within his report, Dr. Zakireh opined that Dr. Hakimi's risk level for any potential sexual misconduct in the future would be best described as in the low range, and Dr. Zakireh made a series of recommendations for future treatment that he suggested would further ameliorate any extant risk. Based on review of said report, the Board has concluded that Dr. Hakimi's license may presently be reinstated, subject to the imposition of a requirement mandating that he participate in continuing treatment with a Board approved psychologist or psychiatrist designed to address, among other items, his prior inappropriate sexual communications and behavior (see below for specific requirements for treatment).

Dr. Hakimi has not, however, made any payment of any of the aggregate sum of \$85,394.66 in penalties or costs that were assessed upon him. When appearing before a Committee of the Board on June 25, 2008, Dr. Hakimi testified that he had not made any payments because he was unable to do so, in part as a result of having lost his license to practice podiatry. Dr. Hakimi has proposed that he be allowed to repay his obligation to the Board over a period of five

years following any reinstatement of his license to practice podiatry, in monthly graduated installments (see schedule of payments approved by the Board below), and we have determined that we will presently authorize Dr. Hakimi to repay all amounts owing over the proposed five year period.

The Board finding that good cause presently exists for the entry of an Order authorizing respondent to resume the practice of podiatry at this time, subject to all conditions and requirements set forth below, and respondent herein expressly agreeing to comply with all terms and conditions of the within Order,

IT IS on this 20th day of March , 2009

ORDERED and AGREED:

1. Respondent Farid Hakimi, D.P.M., is hereby granted leave to resume the practice of podiatry in the State of New Jersey, during a period of probation which shall commence upon the entry of this Order, and continue through May 2, 2011.

2. Prior to resuming any practice of podiatry, respondent shall first complete a general review course in podiatry, acceptable to the Board, of not less than twenty hours duration. It is herein stipulated that Dr. Hakimi has presently satisfactorily completed the general review course required herein, by having attended the 2009 New York Podiatric Clinical Conference, offered by the Foundation for Podiatric Medicine, from January 23-25, 2009 and having provided documentation to the Board attesting that he earned 20 Contact Hours of Category A and 1.75 hours of Category B credit for his attendance.

3. Respondent shall limit his practice of podiatry to practice in a supervised setting. Supervision shall be provided by a New Jersey licensed podiatrist, approved by the Board, who shall generally supervise respondent's practice of podiatry, and ensure that Dr. Hakimi treats patients only in the presence of a Board approved chaperone. The practice supervisor shall provide written quarterly reports to the Board generally detailing the supervision of respondent's practice, and shall provide immediate oral notification (to be confirmed by written report) to the Board in the event that the supervisor identifies any substantial concerns with Dr. Hakimi's practice of podiatry, and/or in the event that the supervisor receives any information that Dr. Hakimi has practiced other than in ~~the approved supervised setting and/or at any time that a Board approved chaperone was not present with Dr. Hakimi.~~ The Board herein approves Yeon A. Shim, D.P.M., to serve as respondent's practice supervisor, with practice to be conducted at Dr. Shim's office at 1305 St. Georges Avenue, Roselle, New Jersey.

4. Respondent shall practice podiatry only in the presence of a Board approved practice chaperone. The practice chaperone shall be required to be present with Dr. Hakimi at all times and all locations at which he sees and/or treats any patients. The practice chaperone shall document her presence by initialing all patient records. The practice chaperone shall make an immediate oral report to the Board (to be confirmed by a written report) in the event she receives any information that Dr. Hakimi has seen and/or treated any patient at a

time that she was not present. The Board herein approves Priscilla Amaya to serve as respondent's practice chaperone, for respondent's practice at the office of Yeon A. Shim, D.P.M.

5. Respondent shall receive treatment from a Board approved psychiatrist or psychologist, subject to the following conditions:

- 1) Dr. Hakimi shall receive individual or group counseling for a period of at least one year with a psychiatrist or psychologist approved by the Board. The treating psychiatrist or psychologist shall be an individual that has demonstrated specialty in providing treatment and counseling to professionals with a history of inappropriate sexual behavior or sexual offending. After one year, treatment shall continue until such time as the treating psychiatrist or psychologist shall determine, in an exercise of his or her professional discretion and based on Dr. Hakimi's progress in treatment, that further treatment is not required. At such time, the treating psychiatrist or psychologist shall submit a report to the Board recommending that treatment be discontinued, however treatment shall not in fact be discontinued until approval to do so is received from the Board.
- 2) Dr. Hakimi shall receive treatment specific to addressing his prior inappropriate sexual communications and behavior. Such treatment shall continue in the context of individual therapy or group therapy involving similar offenders, use cognitive-behavioral strategies and address victim empathy, accountability, cognitive restructuring and relapse prevention.
- 3) Treatment shall also evaluate and address issues related to any history of maladaptive personality characteristics leading to professional interpersonal difficulties and impulsive or inappropriate behavior at work. Evaluation for continued use of psychotropic interventions shall also occur.

- 4) Treatment shall be documented and written reports documenting Dr. Hakimi's participation and progress in treatment shall be sent by the Board approved treatment provider to the Board on a quarterly basis.

Douglas Martinez, Ph.D., Clinical Psychologist, has been approved by the Board to provide treatment to Dr. Hakimi, as outlined above. Dr. Martinez shall provide quarterly written reports to the Board documenting Dr. Hakimi's participation and progress in treatment, and shall provide an immediate oral report (to be confirmed by a written report) to the Board in the event that he receives information that Dr. Hakimi has engaged in inappropriate sexual conduct with any patient and/or information that Dr. Hakimi has practiced podiatry outside of the provisions of this Order.

6. Respondent shall repay all penalties and costs which were previously assessed upon him (in an aggregate amount of \$85,934.66) over a period of five years from the date of this Order, pursuant to the following schedule of payments:

- Commencing on May 10, 2009 and continuing through April 10, 2010, respondent shall make monthly payments of \$500 to the Board (for a total of twelve monthly payments). All payments shall be delivered to the Board on or before the 10th day of each month.
- Commencing on May 10, 2010 and continuing through April 10, 2011, respondent shall make monthly payments of \$1000 to the Board (for a total of twelve monthly payments). All

payments shall be delivered to the Board on or before the 10th day of each month.

- Commencing on May 10, 2011 and continuing through April 10, 2012, respondent shall make monthly payments of \$1500 to the Board (for a total of twelve monthly payments). All payments shall be delivered to the Board on or before the 10th day of each month.

- Commencing on May 10, 2012 and continuing through March 10, 2014, respondent shall make monthly payments of \$2000 to the Board (for a total of twenty-three monthly payments). All payments shall be delivered to the Board on or before the 10th day of each month.

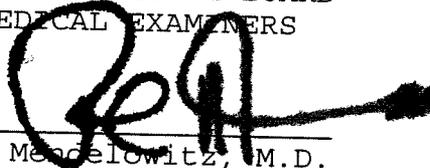
- On or before April 14, 2014, respondent shall make a final payment to the Board for the remainder of all monies that are then owing to the Board. The amount of the final payment will be determined following the Board's receipt of the monthly payment for March 2014, and shall include the assessment of interest at rates consistent with those that would be assessed upon judgments consistent with New Jersey Rules of Court. Interest shall be calculated to have commenced on the penalty of \$20,000 as of May 10, 2006, and upon the costs assessed of \$65,934.66 as of April 17, 2007.

6. In the event that Dr. Hakimi fails to comply with any of the conditions imposed herein, and/or in the event that any

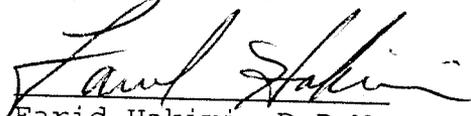
"immediate" report is received by the Board from Dr. Hakimi's approved treatment provider, supervisor and/or chaperone (for any of the reasons set forth above which would necessitate the provision of an immediate report to the Board), the Board may summarily enter an Order rescinding the authorization herein granted to Dr. Hakimi to resume the practice of podiatry during the stayed period of suspension.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: _____


Paul Mendelowitz, M.D.
Board President

I acknowledge that I have reviewed this Order, and agree to abide with all terms and conditions set forth herein. I am aware that the Board may summarily rescind the authorization herein granted to me to resume the practice of podiatry during the period of probation should I fail to comply with all terms and conditions set forth above, and/or in the event that the Board receives any "immediate" report from my approved treatment provider, practice supervisor or practice chaperone, as detailed above. I agree to the entry of this Order by the Board.


Farid Hakimi, D.P.M.