

FILED

March 26, 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:

KENNETH ENG, D.O.

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a report and recommendation from the Medical Practitioner Review Panel (the "Panel"), detailing findings made by the Panel at the conclusion of an investigation of information reported to the Panel concerning respondent Kenneth Eng, D.O. Specifically, the Panel received a report from respondent's malpractice insurance carrier detailing that a payment of \$500,000 was made on respondent's behalf to settle a civil malpractice action brought by the estate of patient M.M., which action was based generally on allegations that respondent failed to properly diagnose and treat a 45 year old patient who presented with chest pain. The report noted that Dr. Eng had referred M.M. to a cardiologist, but that M.M. expired from a myocardial infarction prior to being seen by the cardiologist.

During the pendency of its investigation, the Panel reviewed available information to include, without limitation, respondent's office records for M.M. and expert reports prepared for use in the civil action. The Panel additionally considered

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testimony offered by respondent when he appeared before the Panel on November 14, 2008.

The Panel found that respondent, a family practice physician, saw M.M. on May 8, 2003. M.M. then presented with a complaint of hot/searing mid chest pain present for a week, and left arm numbness which was reported to be worse on exertion. Respondent performed an EKG, which EKG was abnormal with inverted T-waves. Respondent did not then seek to determine whether any prior EKGs were available to compare with the EKG taken on May 8, 2003, nor did he seek to review prior office records for M.M. Respondent concluded that the most likely diagnosis was pericarditis. Respondent did not advise M.M. that he needed to be

evaluated immediately by a cardiologist (a referral to a cardiologist was made, but M.M. was not advised that he should see the cardiologist on an urgent basis) nor insist that M.M. be transferred to an emergency department for additional testing.

The Panel concluded that respondent engaged in gross negligence in his care of M.M. Specifically, the Panel found that respondent's work-up and evaluation of M.M. was grossly inadequate, and found that his interpretation of M.M.'s EKG was inaccurate. The Panel also found that respondent engaged in gross negligence by failing to have performed any additional testing to rule out the possibility of an acute cardiac event or other life-threatening diagnosis. Finally, the Panel found that respondent's medical

record was illegible, and failed to conform to the requirements of N.J.A.C. 13:35-6.5

The Board herein adopts the above delineated findings made by the Panel. Based thereon, the Board concludes that cause for disciplinary action against respondent exists pursuant to N.J.S.A. 45:1-21(c) and (h). The parties desiring to resolve this matter without need for formal disciplinary proceedings, and the Board being satisfied that the need for such proceedings is obviated by the entry of this Order, and being further satisfied that good cause exists to support the entry of this Order,

IT IS on this day of , 2009:

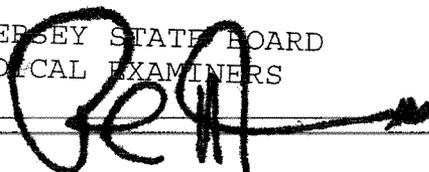
ORDERED and AGREED:

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1. Respondent Kenneth Eng, D.O., is hereby reprimanded for having engaged in gross negligence when providing care to patient M.M., and for having failed to maintain patient records in accordance with the requirements of N.J.A.C. 13:35-6.5.
 2. Respondent is assessed a civil penalty in the amount of \$10,000, which penalty shall be paid in full at the time of entry of this Order.
 3. Respondent shall be required to attend and successfully complete, within six months of the date of entry of this Order, a review course in internal medicine with a focus on cardiology. Prior to taking any course to satisfy this requirement, respondent shall provide the Board with information concerning the course he

proposes to take, to include without limitation a course syllabus, and respondent shall secure approval from the Board for any proposed course.

4. Respondent shall be required to attend and successfully complete, within six months of the date of entry of this Order, a course in medical record-keeping. Prior to taking any course to satisfy this requirement, respondent shall provide the Board with information concerning the course he proposes to take, to include without limitation a course syllabus, and respondent shall secure approval from the Board for any proposed course.

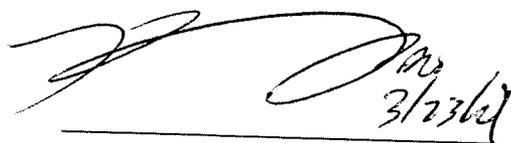
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS



By: _____

Paul Mendelowitz, M.D.
Board President

I consent to the entry of
this Order by the State Board
of Medical Examiners



3/23/69

Kenneth Eng, D.O.