

**FILED**

March 31, 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

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In the Matter of:

NOBUHISA YAMADA, M.D.

CONSENT ORDER

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This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a report from the Medical Practitioner Review Panel (the "Panel") detailing findings made by the Panel at the conclusion of an investigation of the conduct of respondent Nobuhisa Yamada, M.D.

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The Panel commenced its investigation upon receiving a report from Jersey Shore Medical Center ("Jersey Shore") detailing that respondent voluntarily surrendered his clinical privileges at Jersey Shore while he was being investigated by the Hospital for illegal drug use while on hospital premises. The Panel has reviewed information submitted by Jersey Shore, and has considered testimony offered by respondent when he appeared before the Panel, accompanied by Louis Baxter, M.D., Executive Medical Director of the Professional Assistance Program of New Jersey (the "PAP"), on May 16, 2008.

When appearing before the Panel, respondent testified that he initially began using Fentanyl and Versed in December 2005.

**CERTIFIED TRUE COPY**

After being confronted about his drug use by colleagues in July and November 2006, respondent was referred to the PAP. Respondent enrolled with the PAP on November 9, 2006, and thereafter was able to maintain abstinence from drug use for a brief period. Information concerning respondent's drug use and his involvement with the PAP was then made known to the Impairment Review Committee of the Board (the "IRC"), and respondent was approved to be confidentially monitored in the Board's Alternate Resolution Program.<sup>1</sup>

Respondent admitted, when appearing before the Panel, that he resumed using drugs (Fentanyl and Versed) at the end of January 2007. On March 8, 2007, respondent was found unconscious at Jersey Shore Medical Center, after he had used Fentanyl and Versed which he obtained illegally from hospital supplies. Respondent was then sent for treatment at an in-patient rehabilitation facility in Palm Beach, Florida for one month.

The IRC was notified of respondent's relapse, and the IRC provided a report concerning the relapse for review by the Board. The Board then directed that respondent remain out of practice for a minimum period of six months, so as to focus his efforts on his

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The IRC receives reports from the PAP that identify participating physicians by code number, rather than by name (the identity of a physician participating in the IRC is known to the Executive Director of the Board). The IRC receives reports that detail a physician's history of impairment and his or her participation with the PAP. See N.J.A.C. 13:35-11.1, et seq.

recovery. Consistent with the Board's directive, respondent did not engage in any practice of medicine between March 8, 2007 and September 17, 2007. During that period, respondent executed a private letter agreement with the PAP which required, among other items, that he regularly attend Alcoholics Anonymous meetings, submit to random urine monitoring and participated in meetings with PAP representatives on a regular basis. Respondent resumed practicing anesthesiology in September 2007, with the knowledge and approval of the IRC.

Dr. Baxter appeared before the Medical Practitioner Review Panel with Dr. Yamada on May 16, 2008, and testified that Dr. Yamada had remained enrolled with and fully compliant with the PAP since his return from in-patient treatment in February 2007. Dr. Baxter testified that, as of May 16, 2008, respondent had maintained fourteen months of ongoing, documented recovery. Since the date of Dr. Yamada's appearance, his involvement with the PAP has continued to be monitored by the Board's IRC, and it has been determined through review of IRC records that Dr. Yamada has remained drug and alcohol free and fully compliant with the terms of his agreement with the PAP through March 2, 2009.

Based on the information reported by Jersey Shore and respondent's own admissions when testifying before the Panel, the Board finds that cause for disciplinary sanction against respondent exists pursuant to N.J.S.A. 45:1-21(e). The parties desiring to

avoid the necessity for the initiation of formal disciplinary proceedings in this matter, and the Board being satisfied that good cause exists for the entry of this Order,

IT is on this 31 day of March , 2009

ORDERED and AGREED:

1. The license of respondent Nobuhisa Yamada, M.D. is hereby suspended for a period of six months. Said suspension shall be deemed to have been served from March 3, 2007 through September 3, 2007, which the parties stipulate is a period of time that respondent did not engage in any practice of medicine consistent with directions that were then provided to him by the Board through the IRC.

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2. Respondent Nobuhisa Yamada, M.D. shall hereafter continue to participate with, and be monitored by, the PAP. Conditions of respondent's participation with the PAP shall include, at a minimum, the following:

a. Respondent shall maintain absolute abstinence from all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with written notification from his treating physician to the Executive Director of the PAP of the diagnosis and medications prescribed;

b. Respondent shall attend the support group of Alcoholics Anonymous at a minimum frequency of three meetings per week, with attendance to be documented;

c. Respondent shall continue to participate in weekly group aftercare with Dr. Arnold Washton until such time as Dr. Washton, in consultation with the Executive Medical Director of the PAP, determines that group aftercare is no longer required;

d. Respondent shall be subject to random urine monitoring, to be conducted twice weekly for a minimum period of one year after the date of entry of this agreement. The PAP shall assure that screening is performed not less than twice monthly to determine the presence of Fentanyl and/or Naltrexone, and that such screening shall be performed at a level of gas chromatography mass spectrometry;

e. Dr. Yamada shall continue to take the opiate blocker ~~Naltrexone as prescribed;~~

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f. Dr. Yamada shall authorize his Department Chairperson, at any hospital or health care facility at which he practices anesthesiology, to report any questionable behavior by Dr. Yamada to the PAP;

g. Dr. Yamada shall participate in face-to-face meetings with clinical representatives of the PAP, at such frequency as the PAP shall determine is appropriate consistent with PAP protocol and Dr. Yamada's duration in recovery;

h. The PAP shall make quarterly written reports to the Board concerning respondent's participation with the PAP and his continuing recovery efforts, which reports shall attest to

respondent's compliance with the terms and conditions set forth herein; and

I. The PAP shall make an immediate written report to the Board in the event that Dr. Yamada fails to comply with any of the terms and conditions of this Order, in the event that any psychoactive substance (other than one appropriately prescribed for a legitimate previously documented reason) is detected in respondent's urine and/or in the event that respondent fails to provide a urine sample upon request made by the PAP, or in the event the PAP obtains any evidence that respondent has relapsed, demonstrated impairment or otherwise used any psychoactive substance in violation of the terms of this Order.

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3. Respondent may apply to the Board for modification and/or elimination of any of the terms and conditions set forth in paragraph 2 above no sooner than one year from the date of entry of this Order.

4. Respondent expressly acknowledges and consents that the Board may enter an Order automatically suspending his license to practice medicine and surgery in the State of New Jersey in the event that the Board receives any reliable information or any report from the PAP of any relapse by respondent into the use of any non-prescribed psychoactive substance, to include alcohol, and/or any report from the PAP that respondent has failed to continue to participate with the PAP or otherwise failed to comply

with the terms and conditions set forth above.

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

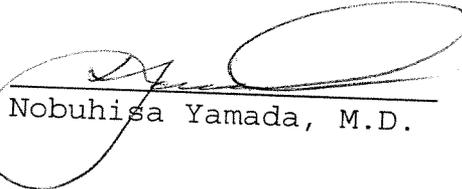


By: \_\_\_\_\_

Paul Mendelowitz, M.D.  
Board President

I consent to the entry of the within Order by the Board of Medical Examiners. I am aware that my license may be automatically suspended in the event I fail to comply with any of the conditions set forth in paragraph 2 above and/or in the event the Board receives a report of non-compliance from the PAP for any of the reasons set forth in paragraph 4 above.

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Nobuhisa Yamada, M.D.

Agreement on behalf of the PAP to monitor Dr. Yamada in accordance with the conditions set forth herein and to make quarterly and/or immediate reports to the Board as detailed above.

PROFESSIONAL ASSISTANCE  
PROGRAM OF NEW JERSEY

By: \_\_\_\_\_



Louis Baxter, M.D.  
Executive Medical Director