

FILED

April 8, 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:

HONG SIK PAK, M.D.

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 from the Medical Practitioner Review Panel (the "Panel"), detailing findings made by the Panel upon completion of an investigation of reported information concerning respondent Hong Sik Pak, M.D. Specifically, the Panel commenced an investigation upon receipt of a report from Dr. Pak's medical malpractice insurer, detailing that a payment of \$950,000 had been made on Dr. Pak's behalf to settle a civil malpractice action brought by patient H.H., wherein it was alleged that Dr. Pak failed to properly treat an anaphylactic reaction following an injection. H.H. suffered brain damage and was left quadriplegic following the incident.

During the pendency of its investigation, the Panel reviewed available information to include, without limitation, respondent's office records and hospital records. The Panel additionally considered testimony offered by respondent when he appeared before the Panel, represented by Edward Dauber, Esq., on

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June 20, 2008. Respondent is now represented by Albert Buzzetti, Esq.

The Panel found that respondent first saw H.H. on July 8, 2003, at which time H.H. (a 48 year old male) sought treatment for neck pain he suffered after having sustained a work injury. Respondent recommended physical therapy and trigger point injections, and administered an injection to the right C 5-6 facet joint and right supraspinatus muscle using Lidocaine and Kenalog. The injection provided transient relief of the patient's pain. Dr. Pak ordered x-rays of H.H.'s cervical spine, but did not wait for the results prior to performing the trigger point injection. Dr. Pak did not record H.H.'s vital signs in his patient records, did not obtain a written consent for the procedure, and did not chart a complete history regarding the source of H.H.'s injury.

H.H. returned to Dr. Pak's office on July 16, 2003 with continued complaints of neck pain, and requested that Dr. Pak administer another trigger point injection. At that time, H.H. had not started any physical therapy, and Dr. Pak had not reviewed the x-rays he had ordered on July 8. Dr. Pak proceeded to perform a trigger point injection into the same site. Within minutes of the injection, H.H. developed shortness of breath and thereafter progressed into cardiac arrest. Emergency Medical Services were called, arrived in minutes and provided ACLS. H.H. sustained a permanent, severe anoxic encephalopathy.

The Panel concluded that Dr. Pak engaged in gross negligence when providing care to patient H.H. Specifically, the Panel found that Dr. Pak committed gross negligence when he attempted to inject the cervical facet joint on two occasions without the benefit of imaging guidance. The Panel further found that respondent was negligent when he chose to repeat an injection one week after having first injected H.H., without having tried other noninvasive measures to attempt to alleviate H.H.'s pain such as medication, manual therapy and/or physical therapy. Finally, the Panel found that respondent's medical record keeping failed to conform to the requirements of N.J.A.C. 13:35-6.5.

The Board herein adopts the above delineated findings and conclusions of 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). Respondent does not admit the findings made herein by the Board. The parties desiring to resolve this matter without need for formal disciplinary proceedings, and the Board being satisfied that the need for any proceedings is obviated by the entry of this Order, and being further satisfied that good cause exists for the entry of this Order,

IT IS on this 8TH day of April, 2009

ORDERED and AGREED:

1. Respondent Hong Sik Pak, M.D., is hereby reprimanded for having engaged in gross negligence when providing care to

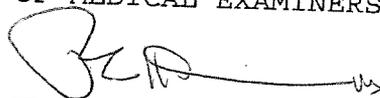
patient H.H., and for having failed to maintain patient records in accordance with the requirements of N.J.A.C. 13:35-6.5.

2. Respondent is assessed a civil penalty in the amount of \$5,000. \$2,500 of the assessed penalty is to be paid at the time of entry of this Order and the remaining \$2500 shall be paid in full within ninety days of the date 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 course in medical record-keeping. Respondent shall secure approval from the Board for any course he proposes to take to satisfy the requirements of this paragraph.

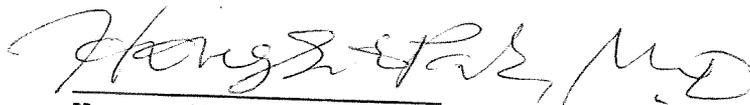
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:



Paul Mendelowitz, M.D.
Board President

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



Hong Sik Pak, M.D.