

FILED

October 15, 2009

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
MARK D. GOLDBERG, M.D.	:	
License No. MA48277	:	CONSENT ORDER
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

THIS MATTER was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about April 2, 2009, the Arizona Medical Board entered into a "Consent Agreement for Degree of Censure and Probation" ("Consent Agreement") with the Respondent, Mark D. Goldberg, M.D. The

CERTIFIED TRUE COPY

Consent Agreement provided for the issuance of a Degree of Censure for Respondent's professional conduct in connection with his care and treatment of SE, together with his failure to maintain adequate medical records. Additionally, Respondent was placed on probation for five (5) years with certain terms and conditions.

As a result of the foregoing, the Board has determined that Respondent's acts giving rise to the Arizona Consent Agreement provide a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e).

IT NOW APPEARING that the parties wish to resolve this matter without recourse to formal proceedings; and that the Respondent hereby waives any right to a hearing in this matter; and the Board finding the within Order adequately protects the public's health, safety and welfare; and for good cause shown;

IT IS ON THIS 14th day of OCTOBER, 2009, **ORDERED AND AGREED THAT:**

1. Respondent shall be, and hereby is, reprimanded for his actions as indicated above;

2. Respondent's license to practice medicine and surgery in the State of New Jersey shall be, and hereby is, placed on probation for a period of five (5) years commencing retroactively, and to run concurrently with, the probationary period set forth in the Arizona Consent Agreement, but which probationary period shall not terminate until Respondent demonstrates to the satisfaction of

the Board that he holds an active, unrestricted license to practice medicine in Arizona; and

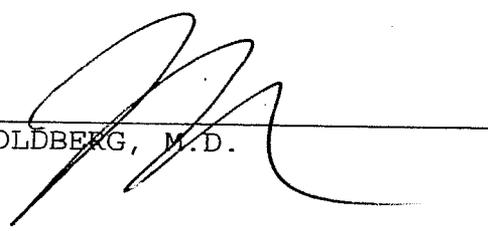
3. Respondent agrees that if the Board, upon receipt of reliable information and in its sole discretion, determines during the probationary period that the Respondent has failed to comply with any provision of the Arizona Consent Agreement, or is in violation of any of the statutes and/or regulations governing the practice of medicine and surgery in the State of New Jersey, then Respondent's New Jersey license to practice medicine and surgery shall be automatically and immediately suspended. Within ten (10) days of notification of the suspension, Respondent may seek in writing a hearing before a Committee of the Board limited to the sole issue of the basis for the automatic suspension.

STATE BOARD OF MEDICAL EXAMINERS

By: 

Paul C. Mendelowitz, M.D.
Board President

I have read and I understand this Consent Order and agree to be bound by its terms. I further hereby consent to the entry of this Consent Order.


MARK D. GOLDBERG, M.D.

**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.