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Governor

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Lt. Governor

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February 19, 2010

FILED
May 4, 2010
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

Srinivasa K. Rao, M.D.
c/o Christopher W. Hliboki Esq.
One University Plaza, Suite 210
Hackensack New Jersey 07601

Re: **Uniform Penalty Letter in Lieu of Filing a Formal Complaint**
License No. 25MA04210800

Dear Dr. Rao:

In 2002, N.J.S.A. 45:9-7.1 was enacted into law requiring continuing medical education (CME) as a condition for license renewal. By regulation (N.J.A.C. 13:35-6.15) for the registration cycle 2007-2009 physicians and podiatrists were required to complete 100 credits/hours of continuing medical education. At least 40 of these hours had to be Category I. You were individually notified of this requirement at the time of your 2007 license renewal.

This letter is to advise you that the New Jersey Board of Medical Examiners ("the Board") has had the opportunity to review information concerning your compliance with the 2007-2009 CME requirement and the representation that you made on your 2009 license renewal attesting to your compliance with the CME requirement.

Specifically, the information reviewed by the Board included your October 28, 2009 testimony before a Preliminary Evaluation Committee, submissions documenting your completed CME and your 2009 renewal application answering **YES** to the question "Will you have completed the required continuing medical education courses by June 30, 2009?"

Upon review of all available information the Board has preliminarily found that you are in violation of N.J.S.A. 45:9-7.1 and N.J.A.C. 13:35-6.15, the statute and regulation requiring licensees of the Board, as a condition of biennial renewal of licensure, to certify satisfaction of 100 CME credits. Failure to comply with an act or regulation administered by the Board is a violation actionable under N.J.S.A. 45:1-21(h).

The Board has determined that it will offer you an opportunity to settle this matter and thereby avoid the initiation of further disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the attached acknowledgment and agree to one of the 3 settlement offers (I-III) noted below.

I) Pay a penalty in the amount of **$5,200.00** and, within six months of receipt of this letter, complete and submit CME credits equal to the amount that were not completed in the applicable biennial period. These CME credits must not be used to satisfy the requirements for the current reporting period. You are deficient by 89 credits for the 2007-2009 period.

CERTIFIED TRUE COPY

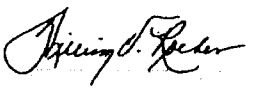
II) Waive your rights to a hearing and submit a written statement or explanation to the Board within 15 days. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above.

III) If you do not wish to settle this matter, you may request a hearing. In the event of a hearing this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board or a committee of the Board. At that hearing you may, either personally or with the assistance of an attorney, submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in the amount greater than that herein offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to pay costs incurred by the Board or may order such other remedies as it may deem appropriate. Should you have any questions concerning this letter or the settlement offer herein, please contact:

William Roeder
Executive Director
New Jersey Board of Medical Examiners
P.O. Box 183
Trenton, New Jersey 08625
(609) 826-7129

The **original** enclosed certification should be completed and returned to the Board within 45 days following your receipt of this letter. In the event that the Board receives no response from you within 45 days, the Board's settlement offer will be withdrawn. You will be deemed in default and the allegations against you will be deemed uncontested. The Board will then proceed to final review of this matter and enter an appropriate order. Once an order has been entered your failure to comply with the order may result in further action against your license.

New Jersey Board of Medical Examiners



By: _____
William V. Roeder
Executive Director

Certification

I, Dr. Srinivasa K. Rao, License No. 25MA04210800, hereby acknowledge that I have read and reviewed the Board's letter dated **February 19 , 2010** regarding allegations of violations of the Board's enabling act and/or regulations.

Please Check One:

✓ **I acknowledge** the conduct which has been charged and agree to:

1. Pay a penalty in the amount of **$5,200.00** (to be paid upon signing of this certification).

and

2. Complete and submit proof acceptable to the Board (copies of original certificates or independently verified transcripts) of completion of CME credits equal to the amount that were not completed in the applicable biennial period. These CME credits must not be used to satisfy the requirements for the current reporting period. Failure to provide this documentation within six months of receipt of this letter will be considered failure to cooperate with the Board which may result in further action against your license.

I am also aware that the disciplinary action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. As a public disciplinary action, this matter will be reported to the New Jersey Physician Profile and the Federation of State Medical Boards Database. I am aware that this matter **does not** involve an action against my license which is reportable to the National Practitioner Data Bank (NPDB) and will not be reported to the NPDB.

____ I hereby waive any rights I may have to a hearing in this matter to defend myself against any charges contained herein but **ask the Board to consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does I will be obligated to comply. I am also aware that the disciplinary action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. As a public disciplinary action, this matter will be reported to the New Jersey Physician Profile and the Federation of State Medical Boards Database. I am aware that this matter **does not** involve an action against my license which is reportable to the National Practitioner Data Bank (NPDB) and will not be reported to the NPDB. Failure to comply with the Board order may subject me to further disciplinary action and any failure to make a required payment will result in the filing of a certificate of debt.

____ **I request a formal administrative hearing before a committee of the Board, (waiving my right to a hearing before the full board)** to contest the charges specified in the Board letter. I understand that I will be advised of the time, date and place for this requested hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing, I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than herein offered in its letter and may order such other remedies as it may deem appropriate including costs of proceedings and further discipline against my license. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents. In the event that the Board imposes fines and/or other discipline against my license, this disciplinary action would be a matter of public record and is reportable to the New Jersey Physician Profile and the Federation of State Medical Boards Database. Only in the situation where discipline against my license includes action which is reportable to the National Practitioner Data Bank (NPDB), such as censure, reprimand or suspension, would a report to the NPDB be made.

Signature: _____

Dr. Srinivasa K. Rao, License No. 25MA04210800

Dated: 3/19/10