

procedures were billed as laparoscopies when, in fact, they were infertility procedures which were not covered by insurance. The Court sentenced Respondent to serve three months imprisonment, nine months home confinement, and to pay sixty three thousand dollars (\$63,000.00) in restitution and assessments. As a result of her conviction, the New York State Office for Professional Medical Conduct (OPMC) charged Respondent with professional misconduct and issued an Order on August 8, 2002, suspending Respondent's New York license to practice medicine for one year (three months active and nine months stayed), which eventually resulted in a final agreement on or about December 12, 2008, between the OPMC, New York Department of Health, and Respondent in a Modification of and Supplement to the Administrative Review Board Determination and Order BPMC No. 02-332 which required Respondent to 1) undergo a competency assessment, 2) have a permanent restriction from directly billing for any medical services, 3) have a permanent restriction from providing anesthesia to patients undergoing reproductive or fertility services, 4) a requirement that Respondent submit letters from all affiliated hospitals, health care facilities, or practices attesting to Respondent's compliance with the restrictions, and 5) three years of probation during which a billing monitor verifies that Respondent abides by the restrictions. To date, Respondent has successfully completed the competency assessment requirement. Since April 2010, Respondent began working on a per diem basis for a medical group that provides

anesthesia for cosmetic surgery cases in Staten Island and in New Jersey. Respondent has only been working out of the New York office.

The Board and Respondent seek to resolve this matter without resorting to further proceedings, and the Board finding that the within Order is sufficiently protective of the public interest, and for good cause shown;

IT IS ON THIS 3RD DAY OF JANUARY, 2011

ORDERED:

1. Respondent is hereby granted a license to practice medicine and surgery in the State of New Jersey with restrictions as noted below.

2. Respondent is permanently restricted from directly billing for any medical services.

3. Respondent is permanently restricted from providing anesthesia to patients undergoing reproductive or fertility services.

4. Respondent shall be placed on probation for a period of one (1) year effective on the filing date of this Order. The probation period shall toll when Respondent is not engaged in active medical practice in New Jersey.

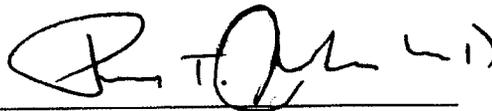
5. Respondent's New Jersey probation shall mirror the terms which were imposed by the New York Modification and Supplement mentioned above. Specifically, Respondent shall have a billing monitor for her New Jersey practice for the duration of probation.

Respondent may use the same billing monitor in New Jersey as she uses in New York. The Board notes that Oana Trifu of Waldwick, New Jersey, has agreed to serve as billing monitor. The billing monitor shall submit reports of Respondent's New Jersey practice to the Executive Director, William Roeder, M.D., New Jersey Board of Medical Examiners, P.O. Box 183, Trenton, NJ 08625 in accordance with the letter dated April 26, 2010 from the State of New York, Department of Health, Physician Monitoring Program, Office of Professional Medical Conduct to Oana Trifu.

6. Respondent shall be solely responsible for all expenses associated with the monitoring, including fees to the billing monitor.

TATE BOARD OF MEDICAL EXAMINERS

By: _____



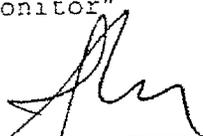
PAUL T. JORDAN, M.D.
Board President

I have read and I understand the terms and conditions of the within Order and agree to be bound by the terms of this Order. I hereby give my consent to the entry of this Order.


Magda Birjion, M.D.

I have read and understand
the within Order and agree
to comply with the terms
which relate to the "billing
monitor"

Faxed + mailed description
of monitoring process 12/13/10
to Taber Falik.



Dana Trifu