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**FILED**

July 29, 2011

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

By: Wendy Leggett Faulk  
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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  
SUSPENSION OR REVOCATION  
OF THE LICENSE OF

ROMAN SORIN, M.D.  
LICENSE NO. MA05454200

TO PRACTICE MEDICINE &  
SURGERY IN THE STATE OF  
NEW JERSEY,

**Administrative Action**

**CONSENT ORDER  
OF  
REVOCATION**

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") by way of an investigation into the medical practices of Roman Sorin, M.D. ("Respondent"). Respondent's license to practice medicine in this State is currently suspended pursuant to N.J.S.A. 45:1-7.1(b) and (c) for failure to renew said license as of July 1, 2009.

**CERTIFIED TRUE COPY**

Respondent was subpoenaed to appear on May 15, 2010 before a Committee of the Board to address concerns relating to his actions which occurred while he was actively licensed to practice medicine. Specifically, the Board sought to inquire about Respondent's care and treatment of patients during the period 2007 to 2009 in which he may have:

- a) Ordered and/or performed electrodiagnostic ("EDX") testing on said patients which was not medically necessary;
- b) Prepared and submitted claims for reimbursement to insurance companies for testing that he did not perform; and
- c) Failed to maintain accurate and adequate medical records, particularly, his use of clinical report templates not tailored to individual patients and not documented in a professionally competent manner.

Respondent failed to appear before the Board as requested, in violation of his duty to cooperate in investigative inquiries, N.J.A.C 13:45C-1.2, and in violation of N.J.S.A. 45:1-18.

On or about June 18, 2010, the New York State Department of Health, State Board for Professional Medical Conduct, issued a Statement of Charges against Respondent, who was at that time also a New York Board licensee, alleging five (5) Specifications

of professional misconduct in connection with his performance of EDX exams in New York between July 2004 and August 2005, including multiple incidences of negligence, fraudulent practices, unwarranted tests and treatments, false reporting, and failure to maintain accurate patient records (hereinafter the "New York Complaint").

On or about June 18, 2010, Respondent executed an application to surrender his license as a physician in the State of New York on the grounds that he was unable to successfully defend against at least one of the acts of alleged misconduct in the New York Complaint. With the advice of counsel, Respondent agreed to be bound by all of the terms and conditions of the Application for Surrender, including the immediate limitation on Respondent's medical practice to preclude ordering, performing or interpretation of any electro-neurodiagnostic study.

The New York State Board for Professional Medical Conduct accepted Respondent's Application for Surrender, and ordered that ~~Respondent's name be stricken from the roster of physicians in~~ the State of New York, effective September 30, 2010.

The conduct alleged in the New York Complaint, against which Respondent stated in his Application for Surrender he could not successfully defend, constitutes repeated acts of negligence and professional misconduct, and therefore constitutes grounds for

disciplinary action under N.J.S.A. 45:1-21(d) and/or (e). Respondent's Application to Surrender his New York license, and the New York Board's acceptance thereof during its prosecution against him, also constitutes disciplinary action by a sister state agency within the ambit of N.J.S.A. 45:1-21(g).

Respondent is represented by counsel, Boris Sorin, Esq. Having consulted with counsel, Respondent hereby elects to waive his right to appear before the Board's Committee to discuss all the above matters. Respondent neither admits nor denies that the conduct alleged in the New York Complaint also occurred in this State during the period 2007 to 2009 with regard to patients he treated in New Jersey. Respondent herein acknowledges that such conduct, if it did occur, would constitute violation of N.J.S.A. 45:1-21(b), (c), (d), (e) and (h).

Respondent, being desirous of resolving this matter without further formal disciplinary proceedings, and the Board finding the within disposition to be adequately protective of the public health, safety, and welfare, and for other good cause shown, and all parties agreeing to the terms of this Order;

IT IS on this 29th day of July , 2011,

ORDERED AND AGREED:

1. The currently suspended license of Respondent, Roman Sorin, M.D., to practice medicine and surgery in the State of New Jersey is hereby revoked.
2. Pursuant to N.J.S.A. 45:1-25(a), Respondent is assessed a civil penalty in the amount of \$1,000.00 for Respondent's failure to appear before the Board, in violation of N.J.S.A. 45:1-18. Said penalty shall be paid, in certified funds made payable to the State of New Jersey, within 10 days of the entry of this Order, at the Board office at P.O. Box 183, Trenton, New Jersey, 08625-0183.
3. Pursuant to N.J.S.A. 45:1-25(d), Respondent shall reimburse the Board for costs for the use of the State in the sum of \$4,200.00, comprised of attorneys fees in the amount of \$2,800.00 and investigative costs in the amount of \$1,400.00. Said costs shall be paid, in certified funds made payable to the State of New Jersey, within 10 days of the entry of this Order, at the Board office at P.O. Box 183, Trenton, New Jersey, 08625-0183.
4. A Certificate of Debt shall be filed with the Superior Court pursuant to N.J.S.A. 45:1-24 for all penalty and costs assessed herein which remain unpaid on the 11<sup>th</sup>

day following entry of this Order, however, Respondent may be permitted, for good cause shown, to pay all assessments in installments, as shall be arranged with the Board.

5. Respondent shall comply with the attached "Directives Applicable to Any Medical Board Licensee Who Is Disciplined or Whose Surrender of Licensure Has Been Accepted," which Directives are incorporated herein by reference.
6. It is intended by the parties that this Order shall resolve all administrative and licensure issues which were specifically alleged as the basis for the investigation of Respondent by the Board of Medical Examiners.
7. Failure to comply with any provision of this Order may result in subsequent proceedings for failure to comply with an Order of the Board.

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THIS ORDER SHALL BE EFFECTIVE UPON ENTRY

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

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

  
Paul F. Jordan, M.D.  
Board President



**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

**1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing ~~him/herself as being eligible to practice.~~ (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.) A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take

affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Medical Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the

name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

#### **5. Probation/Monitoring Conditions**

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.