

FILED

January 27, 2012
**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:

ANAND SWAROOP, M.D.

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon receipt of a report from the Medical Practitioner Review Panel (the "Panel") detailing findings and recommendations made by the Panel at the conclusion of a Panel investigation of care provided by respondent Anand Swaroop, M.D., to patient T.V. Specifically, the Panel received notice from respondent's medical malpractice insurance carrier that a payment of \$33,333.34 was made on respondent's behalf to settle a civil malpractice action, wherein T.V. alleged that respondent performed arthroscopic surgery on the patient's wrong knee, resulting in a need for additional surgery.

The Panel has considered available information regarding this matter, to include hospital records for patient T.V.'s surgery and testimony that was offered by respondent when he appeared before the Panel, on June 17, 2011, *pro se*. Subsequent thereto, respondent has been

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represented by Kern Augustine Conroy & Schoppman, Michael J. Schoppmann, Esq. and Matthew R. Streger, Esq. appearing.

Upon review of available information, the Panel found that Dr. Swaroop first saw patient T.V. in 2003 for evaluation of complaints of knee pain and difficulty walking. In 2005, Dr. Swaroop recommended that T.V. have arthroscopic surgery performed on his right knee. The procedure was scheduled to be performed on July 13, 2005, and Dr. Swaroop met with T.V. on that date, prior to surgery, and then marked T.V.'s right knee. Thereafter, however, Dr. Swaroop proceeded to perform the surgery on T.V.'s left knee, and did so without having first ensured that there had been a "time out" conducted to make certain that the procedure would be performed at the proper site. The error was only discovered after the procedure was completed, when the patient came out of anesthesia. The Panel found that, as the operating surgeon, it was Dr. Swaroop's primary responsibility and obligation to ensure that the procedure was performed at the proper site.

The Panel concluded that, when operating on T.V.'s left knee, respondent engaged in grossly negligent practice. The Board has reviewed the report made by the Panel and has ratified and adopted all findings made by the Panel. The Board therefore concludes that grounds for

disciplinary action against respondent exist pursuant to N.J.S.A. 45:1-21

(c).

The parties desiring to resolve this matter without need for the filing of an administrative complaint and additional administrative proceedings, and the Board being satisfied that need for such proceedings is obviated by the entry of this Order, and finding that good cause exists to support the entry of this Order:

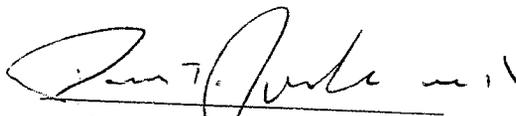
IT IS on this 11th day of January, 2012

ORDERED and AGREED:

1. Respondent Anand Swaroop, M.D., is hereby formally reprimanded for having engaged in gross negligence, as more fully detailed above.
2. Respondent is hereby assessed an administrative penalty in the amount of \$5,000, which penalty shall be payable in full upon entry of this Order.

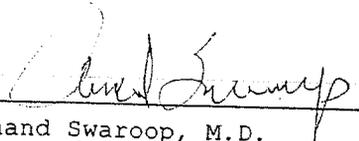
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:



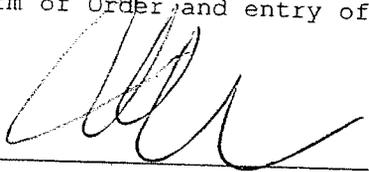
Paul T. Jordan, M.D.
Board President

I represent that I have carefully read and considered this Order, and consent to the entry of the Order by the Board.


Anand Swaroop, M.D.

Dated: 1.17.12

Consent to form of Order and entry of Order by the Board.


Michael J. Schoppmann, Esq.
Counsel for Respondent

**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.