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**FILED**

April 3, 2012

**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

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IN THE MATTER OF THE	:	
SUSPENSION OR REVOCATION OF	:	
THE LICENSE OF	:	<b>ADMINISTRATIVE ACTION</b>
	:	
FAROUK AL-SALIHI, M.D.	:	<b>ORDER GRANTING RESTRICTED</b>
LICENSE NO. 25MA022618	:	<b>LICENSURE</b>
	:	
TO PRACTICE MEDICINE AND	:	
SURGERY IN THE STATE OF NEW	:	
JERSEY	:	

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This matter was first opened to the State Board of Medical Examiners (the "Board") upon receipt of information that the medical office owned and operated by Farouk Al-Salihi, M.D. ("Respondent"), located at 1810 Kennedy Boulevard, Jersey City, New Jersey was operating in an unsanitary and unsafe manner. The Board also received information regarding Respondent's care, treatment and prescribing for patient C.E.N.

**CERTIFIED TRUE COPY**

Respondent previously entered into two Consent Orders with the Board. The first Consent Order, filed on February 9, 1999, was based on allegations of reckless disposal of regulated medical waste, as well as, concerns about sanitary conditions in Respondent's office and his care of pediatric patients. Respondent was ordered to acquire an evaluation and monitoring of his practice, attend a mini-residency course, and pay civil penalties and investigative costs, all of which Respondent completed.

The second Consent Order, filed on December 28, 2007, was based upon Respondent's guilty plea in a state criminal action charging him with fourth-degree falsification of patient records. The underlying facts of the criminal case involved a covert visit to Respondent's office wherein Respondent wrote a report stating that he treated the patient four times, although the patient had only visited his office on two occasions. Pursuant to the Consent Order, Respondent's license to practice was suspended for one year, with the entirety of the suspension stayed. Respondent was also required to complete an ethics course, a record keeping course and pay civil penalties and costs. After completing all of these requirements, Respondent was granted an unrestricted license on February 24, 2009.

On March 24, 2010, Respondent again appeared before a

Committee of the Board, with counsel, Richard West, Esq., to discuss concerns about sanitary conditions in his office and his treatment of patient C.E.N. Respondent admitted that due to a high volume of patients, his office became messy and cluttered, that the office floors were stained, that he maintained expired medications in his office which were given to him by patients for disposal, and there were exposed wires in his waiting room. He maintained that during March 2010 he took steps to fix the office, including cleaning, painting and regularly checking the bathroom.

Respondent testified that on April 21, 2009, he treated patient C.E.N. who complained of abdominal pain. Respondent testified that he performed a full examination of C.E.N. and wrote two prescriptions for Levsin and Mylanta II, but denied writing a third prescription for Ultram. However, upon being shown the third prescription, written for C.E.N. on his prescription blank, Respondent changed his testimony. He admitted that he wrote the third prescription for the patient's husband, M.E.N., who he claimed was his good friend. Respondent testified that the prescription was for the husband's bad toothache and that he inadvertently wrote the prescription for patient C.E.N. Patient C.E.N. had listed her husband's name as Raj and that her home address was in Jersey City. Respondent

then produced a patient chart for M.E.N. The male patient's first name was listed as Magdy with the same last name as patient C.E.N. The chart listed a home address in Bayonne. However, patient C.E.N. was an investigator of the Division of Consumer Affairs, who visited Respondent's office in a covert capacity, and did not request medication for anyone other than herself.

On December 9, 2010, the Attorney General filed an Administrative Complaint alleging various violations of the rules and regulations governing the practice of medicine in the State of New Jersey. Prior to filing his Answer, Respondent agreed to resolve the matter by Consent Order.

In the Consent Order filed March 10, 2011, the Board found that: Respondent failed to maintain his office in a safe and sanitary condition; submitted a falsified medical record for patient M.E.N.; and testified dishonestly before a committee of the Board regarding writing a prescription in the name of one patient intended for another patient. These facts established a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(b) and (e) in that Respondent had engaged in the employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense and professional misconduct.

Based upon the Board's findings, Respondent was reprimanded

for failing to maintain his office in a safe and sanitary condition, for falsifying a medical record by including a progress note indicating an examination, which had not been performed, and for testifying dishonestly before a Committee of the Board. In addition, Respondent's license to practice medicine and surgery in the State of New Jersey was suspended for a period of two years, with six (6) months served as an active suspension. This active suspension began on May 1, 2011. The remaining one year and six months were to be stayed and served as a period of probation, provided that Respondent demonstrated compliance with all the terms and conditions of the March 10, 2011 Consent Order.

During the period of active suspension, Respondent was ordered to re-take, and successfully complete, a physicians' ethics course and a medical record keeping course pre-approved by the Board. Respondent was also ordered to take and successfully complete, an infection control course pre-approved by the Board. Prior to the active reinstatement of his license, Respondent was required to appear before a Committee of the Board, and submit documentation demonstrating that he had complied with each term of this Order.

Respondent was also assessed an aggregate civil penalty of \$5,000 pursuant to N.J.S.A. 45:1-25 for the violations described

herein, and ordered to reimburse the Board's litigation and investigation costs and fees totaling \$7,000 pursuant to N.J.S.A. 45:1-25(d).

On December 28, 2011, Respondent appeared before a Committee of the Board and petitioned for the reinstatement of his license. Respondent testified and presented documents regarding his compliance with the terms of the Consent Order. The Board sought further information from Respondent verifying his compliance with the Board's CME requirements and several medical records.

Based on Respondent's testimony and records submitted regarding his compliance with the March 2011 Order, the Board is now satisfied that Dr. Al-Salihi substantially completed the requisite terms of the Consent Order.

The Board having determined that the within Order is adequately protective of the public health, safety and welfare,

IT IS THEREFORE ON THIS 3rd DAY OF April, 2012,  
ORDERED:

1. The request from Farouk Al-Salihi, M.D. for modification of his license suspension from an active suspension, to a stayed suspension to be served as a period of

probation, subject to the following terms and limitations, is hereby granted.

2. Respondent's license remains suspended, but such suspension shall be stayed until May 1, 2013. This term shall be served as a period of probation, which if violated shall result in the automatic active suspension of Respondent's license. Respondent must comply with and successfully complete all terms of the March 2, 2011 Order before his probation can end.

3. Farouk Al-Salihi, M.D. ("Respondent") is not permitted to seek a CDS registration or prescribe CDS medications until further order of the Board.

4. A Certificate of Debt will be filed for the remaining money due from the March 10, 2011 Order.

5. Respondent shall be permitted to make payments of \$250 per month until he completely satisfies his debt to the State. His period of probation shall not cease until he fulfills this term of the Order.

6. Respondent shall comply with the Directives attached, to this Order which are applicable to Board Licensees subject to a probation requirement.

7. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation or

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restrictions upon any reinstatement, by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS



By:

Paul T. Jordan, M.D.  
President

I have read and understood  
the within Consent Order  
and agree to be bound by  
each and every one of its  
terms.

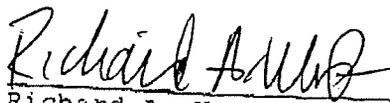


Farouk Al-Salihi, M.D.

Dated:

3/28/12

Consented to as to form  
and entry.



Richard A. West, Esq.  
Attorney for Respondent

Dated:

3/28/12

**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 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.

**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.