

FILED

May 3, 2013

**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:

ALAN S. DIAS, M.D.

CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a report from the Medical Practitioner Review Panel (the "Panel") setting forth recommendations made upon the Panel's completion of an investigation of the practice of Alan S. Dias, M.D. ("respondent"). Specifically, the Panel reviewed the care provided by respondent to two patients - N.G. and K.P. - after receiving notification that payments of \$212,500 and \$85,000 respectively had been made to settle civil malpractice actions brought by the estates of each patient. Allegations made in the civil action involving patient N.G. were that respondent failed to diagnose and treat a bacterial infection, leading to massive sepsis and death, and allegations in the K.P. case included claims that respondent prematurely discharged patient K.P. from the hospital, resulting in her suffering respiratory arrest and death.

The Panel has reviewed available information, to include information provided to the Panel by the reporting entities and the hospital charts of both patients. The Panel has also considered testimony offered by respondent Dias when he appeared for an

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investigative hearing on October 19, 2012, represented by Dominick DeLaurentis, Esq..

Upon review of available information, the Panel found that Dr. Dias engaged in gross negligence when providing care to patient N.G., and that he engaged in negligence when caring for patient K.P. With regard to patient N.G., the Panel found that respondent assumed responsibility for N.G.'s care, in his capacity as an emergency room attending physician, on May 26, 2007. N.G., a 53 year old female, had presented to the emergency room earlier that day with complaints to include dizziness, vomiting, diarrhea and cramping. She was cared for by another emergency room attending until a shift change was made at 5:00 p.m. When appearing before the Panel, Dr. Dias testified that he spoke with the previous treating physician and was told that N.G. could be discharged provided that there was no acute surgical pathology found on a previously ordered C.T. scan. Dr. Dias then discharged N.G. upon receiving the results of that C.T. scan (which did not show any acute pathology, but did reveal evidence of a prior splenectomy). N.G. returned to the hospital the next day at 10:42 a.m. in septic shock and died from massive sepsis.

When testifying before the Panel, respondent conceded that he neither saw or examined N.G. prior to discharge, and that he did not review the lab results in her hospital chart. As a result, respondent was unaware that N.G. had a recorded temperature of 104.4 at 1:53 p.m., was unaware that she had been found to have an elevated white count, was unaware that she was a diabetic and, most

significantly, failed to appreciate the diagnostic significance of the finding of a prior splenectomy on the C.T. scan. Given that constellation of findings, N.G. should have then been admitted and treated for sepsis, and respondent engaged in gross negligence when he failed to recognize that need and instead discharged N.G. from the hospital.

With regard to patient K.P., a 37 year-old female, the Panel found that K.P. presented to the emergency room self-admitting to having taken not less than 10 Percocet, and with complaints of disorientation, inability to walk and excessive sleepiness. K.P. had been observed engaging in bizarre behavior prior to admission, and had a prior history of known substance abuse. Respondent assumed responsibility for the care of patient K.P. at 11:00 p.m. on October 27, 2008, and discharged her from the hospital at 12:55 a.m. on October 28, 2008 upon concluding that her overdose of Percocet was "accidental" and upon determining that she could be observed at home by her husband. While respondent testified that he provided discharge instructions to both K.P. and her husband, it is clear from review of the hospital chart that K.P. would not have then been able to understand Dr. Dias' instructions, as she was observed to be "somnolent" and, although "easily arousable," would be "hypervigilant for approximately five to seven seconds" and then gradually drift back into sleep. Following her discharge, K.P. died later that same day (October 28) after being found in respiratory arrest.

Upon reviewing available information, the Panel found that

respondent should have, at a minimum, ordered a psychiatric consultation prior to discharging K.P., as the hospital record was replete with information that detailed irrational and erratic behavior that should have caused respondent to order a psychiatric evaluation. The Panel additionally found that K.P.'s discharge was premature given a clear need for additional medical observation prior to discharge. Given those findings, the Panel concluded that respondent engaged in negligence when he discharged K.P.

The Board has adopted all of the above delineated findings and conclusions of the Panel. Based thereon, the Board concludes that cause for disciplinary sanction against respondent exists pursuant to N.J.S.A. 45:1-21 (c) (engaging in gross negligence) and/or N.J.S.A. 45:1-21(d) (engaging in repeated acts of negligence). The parties desiring to resolve this matter without the need for further administrative proceedings, and the Board being satisfied that the within disposition is adequate and appropriate, and that good cause exists for the entry of this Order:

IT IS on this 3rd day of May , 2013

ORDERED and AGREED:

1. The license of respondent Alan Dias, M.D., to practice medicine and surgery in the State of New Jersey is hereby suspended for a period of one year. The suspension shall be stayed in its entirety, and served as a period of "probation," provided that respondent complies with all other terms and conditions of this Order.

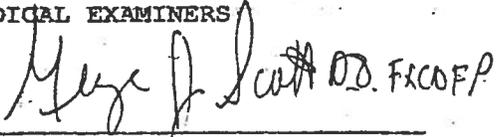
2. Respondent is assessed a civil penalty in the amount of \$20,000, which penalty shall be due and payable in full at the time of entry of this Order.

3. Respondent shall, within nine months of the date of entry of this Order, complete courses acceptable to the Board in: (1) infectious diseases and (2) the evaluation of the "dual diagnosis patient" (specifically, patients with issues related to addiction/substance abuse and psychiatric issues). Prior to commencing any course work to satisfy the requirements of this paragraph, respondent shall provide all available information concerning any course he proposes to take to the consultant Medical Director of the Board, and shall obtain pre-approval, in writing, from the consultant Medical Director for any proposed course. Respondent shall thereafter be responsible to ensure that documentation of successful completion of approved courses is forwarded by the course provider(s) to the Board. In the event that respondent fails to successfully complete the course work required herein in a timely fashion (that is, in the event the Board does not receive documentation of successful completion of pre-approved courses within nine months of the date of entry of this Order), respondent shall be deemed to have failed to comply with the terms of this Order, In such event, respondent's probation may be immediately rescinded, and his license to practice medicine and surgery may then be immediately suspended by the Board for failure to comply with the terms of this Order. In the event an Order of immediate suspension

for failure to comply with the terms of this Order is entered, respondent's license shall thereafter continue to be actively suspended until such time as he successfully completes the required course work, documentation thereof is submitted to the Board, and written notice of reinstatement is provided by the Board to respondent.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:


George J. Scott, D.O., D.P.M.
Board President

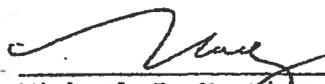
I represent that I have carefully read and considered this Order, and consent to the entry of the Order by the Board.


Alan S. Dias, M.D.

Dated:

4/9/13

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


Michael J. Keating, Esq.
Counsel for Respondent

Dated:

4/10/13