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**FILED**

October 22, 2013

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEP'T OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF :

Dmitry Khasak, MD  
License No. 25MA06377000

ORDER OF REPRIMAND

PRACTICING MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners on June 5, 2013, on inquiry into the professional practice of Dmitry Khasak, M.D. Dr. Khasak, a Board-certified dermatologist, has practiced at multiple offices, including but not limited to 100 Pavonia Avenue, Jersey City, and 844 Avenue C, Bayonne, New Jersey, as well as 77 Park Avenue and 64 Nagle Avenue in New York. Dr. Khasak is represented by Dmitri Kounin, Esq.

Dr. Khasak has divided his time among several offices, employing various non-dermatology specialist physicians to provide fulltime dermatological services, supported by medical assistants and an office manager. The Jersey City office offers services under the entity names including "Khasak's Dermatology

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Group" and "Better Skin Dermatology, LLC."

A consumer complaint was received by the Board on behalf of a patient at the Jersey City office, reporting concern about unsanitary and unsafe conditions. In the course of a September 2012 inspection of the office by the Division of Consumer Affairs, Enforcement Bureau pursuant to N.J.S.A. 45:1-18, the investigators found floors and walls to be unclean and spotted with red stains. A rear waiting room, full of patients, had soiled and stained floors, and stacked boxes with medications and supplies. Medical assistants prepared patients for the visits, and the assistants pre-filled syringes daily with normal saline and/or sodium chloride. The pre-drawn syringes were neither labeled nor dated. Sodium chloride vials were multi-dose. Syringes were kept on counters in exam rooms in plastic bins, with one bin labeled "NACL" and the other as "NO/EPT." Only two of three exam rooms had sinks with hot and cold water and supplies. Expired drugs were present. The medical assistants were not certified as sterilization technicians, an autoclave had not been tested by an independent agency, and no logbook for it was found. Although a variety of dermatology procedures were regularly performed, the last pickup from a registered medical waste disposal company was dated July 2012. In one of the office areas, a refrigerator-freezer used to store medications was leaking water and contained wet, frozen and torn medication boxes. Most of the drugs in it were expired. The office displayed no patient rights or physician disclosure notice.

The inspectors found that Dr. Khasak employed physicians who were not specialists in dermatology to perform various dermatological procedures, including removal of skin growths and

tags, biopsies, acne surgery, and botox treatments, using a local anesthetic. However, their non-dermatology specialist status was not reflected in the amount of bills. According to part of the office record, the physician providing acne treatment to the concerned patient was Dr. Khasak's employee, Dr. E[-]. However, the office had no delineation of privileges for Dr. E[-], who was not a dermatologist. Although Dr. E[-] was the only person to treat the patient, the insurance claim form submitted by Dr. Khasak's office listed Dr. Khasak as the provider - thus conveying not only the representation that he was the provider, but also that the service had been provided by a specialist - at the presumptively higher fee than could have been charged by a non-specialist. In addition, Dr. Khasak acknowledged that he sometimes signs patient charts in addition to the actual service provider, as he did here, even when Dr. Khasak had not examined or treated the patient. Further, although the patient had paid the co-pay required by his insurance plan, the claim form listed the fee as \$500.00 and the patient payment as \$0.00.

The Board reviewed Dr. Khasak's office manual for policy and procedure, and found that it failed to include any direction to staff to regularly inspect and remove expired medications, to comply with OSHA requirements for safe handling, storage, labeling of the drug, use of needles, protection for patients and staff from potential contamination by injections drawn from multi-dose vials, and for accurate identification of medical providers and accurate documentation on claim forms of fees charged and payments made.

In addition, Dr. Khasak was unable to produce proof of the minimum number of Continuing Medical Education credits required by N.J.A.C. 13:35-6.15 for the 2009-2011 biennial registration cycle. Further, he affirmatively misrepresented his status by certifying to the Board on the 2011 registration that he had completed the requirements for the prior cycle.

The Board notes additional violations of Medical Board rules. N.J.A.C. 13:35-6.5 requires preparation of an accurate patient record. Rule 13:35-6.16(b)3 requires the owner of a medical practice to be responsible for assuring cleanliness of the medical premises. Rules 6.16(b)5 and (b)8 require the physician to set and maintain standards for recordkeeping including bills. Rule 6.16(b)6 requires the physician to be responsible for security of drug storage, including checks for expiration dates. Rule 13:35-6.17(c)4 requires truthful identification of the provider of the medical service, and thus prohibits misrepresentation of the actual provider.

The Board takes into consideration Dr. Khasak's apologies for the condition of the office and the other violations. He has represented that he has reduced the number of his offices to four, and that corrective measures have commenced and will be promptly completed. He has asserted that he shall henceforth undertake an active role in management and supervision of each of his offices to prevent recurrence of the deficiencies found. He has agreed to have all patient files reviewed to assure that billing was accurate and that claim forms properly and timely credited co-payments or other payments made, and he shall provide the concerned patient (Mr. J.B.) and his insurance carrier with a corrected claim form.

The Board, finding the following disposition to be adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS, ON THIS 22<sup>nd</sup> DAY OF October , 2013

ORDERED:

1. Dr. Khasak is reprimanded for the violations identified above.
2. Dr. Khasak shall submit to the Board, within six months of the entry of this Order, proof of successful completion of a Board-approved recordkeeping course. For purposes of this Order, "successful completion" means that Respondent has attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional passing grade. Respondent shall be entirely responsible for any and all costs or expenses relating to the course. A list of approved courses/programs, such as those offered by The Center for Personalized Education for Physicians (CPEP), is available from the Board office.
3. Dr. Khasak is assessed a penalty of \$350.00 for the non-completion of the CME credits required for the 2009-2011 biennial registration cycle and an additional \$750.00 penalty for the misrepresentation on the 2011 registration form that the prior credits had been completed. The penalty, totaling \$1,100.00, shall be paid to the State Board of Medical Examiners, at P.O. Box 183, Trenton, New Jersey 08625-0183, by certified check or United States Postal Money Order no later than ten days from service of this Order.

4. The Notice of Reporting Practices appended to this Order is incorporated herein.
5. It is intended by the parties that this Order shall resolve all administrative and license issues which were alleged in the present matter as violations by Respondent, with regard to his responsibility to the State Board of Medical Examiners, all and solely in connection with Professional Board law and rules. The parties hereby stipulate that the entry of this Order shall not limit the authority of the Board, the Attorney General, the Drug Control Unit or the Director of the Division of Consumer affairs, to address any other matter not currently before the Board, nor shall the Order limit any other person or other agency to initiate any further action permitted by law in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction.

THIS ORDER IS EFFECTIVE UPON ENTRY.

STATE BOARD OF MEDICAL EXAMINERS  
BY: George D. Scott D.O. FRCOFP  
GEORGE D. SCOTT, D.P.M., D.O.  
PRESIDENT

I have read and understood the within  
Order and agree to be bound by its terms.  
I consent to the form and entry of the  
Order by the Board of Medical Examiners.

Dmitry Khasak  
Dmitry Khasak, M.D.

Witnessed:

(Dmitry Kovvin, Esq.)  
Counsel to Dr. Khasak

**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.