

FILED

October 24, 2013

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
Joseph Mike, M.D.	:	CONSENT ORDER
License # MA56230	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of complaints pertaining to treatment provided by Joseph Mike, M.D. (Respondent) to patients KG and KM from 2002 through 2003.

On October 14, 2011, Respondent appeared without counsel at an investigative inquiry into the matter held before the Medical Practitioner Review Panel (Panel).

As to patient KM, a gastric bypass patient operated on by another physician, Respondent testified that as part of routine hospital rounds which he conducted for patients from his group medical practice, he saw patient KM a few times while she was in

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the hospital. Respondent admitted that he dictated the patient's discharge summary approximately one and a half months after the patient was discharged, although she was discharged by another physician of his practice. Respondent further admitted that when writing the discharge report, he did not re-review any tests or studies performed on the patient. He noted specifically that other doctors in the practice dictated discharge summaries quickly and briefly, with the discharging physician not necessarily being the physician who dictates the discharge summary. Additionally, Respondent admitted that although he wrote in the discharge summary that the patient was in good condition, he did so under the assumption that the patient was fine in light of the fact that she had been discharged. Lastly, Respondent testified that physicians in his practice write histories and physicals (H&P) on patients whom they have not personally seen or examined.

As to patient KG who presented with abdominal pain, Respondent testified that a hospital resident evaluated the patient and contacted Respondent, who was the surgeon on call. Respondent testified that the resident informed him that the patient was experiencing nausea, vomiting, fever, and had a white count of 14,900 with 32% bands. Respondent testified that shortly after the resident evaluated KG and contacted the Respondent, another physician familiar with the patient,

provided a diagnosis, advised a hysterectomy, and discharged her, prior to Respondent having an opportunity to get to the hospital to examine KG. The patient came back to the Emergency Room the next day with a diagnosis of shock and pulmonary embolism and was operated on by a different surgeon.

Having reviewed the entire record, including testimony at the Panel inquiry, it appears to the Board that Respondent has engaged in multiple acts of negligence in violation of N.J.S.A. 45:1-21(d) and failed to comply with the Board's record keeping regulations in violation of N.J.A.C. 13:35-6.5 and N.J.S.A. 45:1-21(h).

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) (repeated negligence) and (h) (failure to comply with Board regulations) in that: Respondent failed to meet the standard of care when, as the surgeon on call, he did not personally appear to evaluate patient KG; Respondent failed to maintain appropriate patient records and created History and Physicals after the performance of the H&P by another physician, the History and Physical appeared to document that he personally performed the examination when he did not; and Respondent created a discharge summary for patient KM and indicated she was discharged in good condition even though he was not the physician who discharged her.

The parties, having agreed to resolution of this matter without formal proceedings, and Respondent, having agreed and given his voluntary consent to the within order and waiving any right to a hearing, and the Board finding the within disposition adequately protective of the public health, safety, and welfare, and other good cause having been shown;

IT IS on this 24 day of October, 2013

HEREBY ORDERED AND AGREED that:

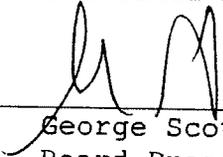
1. A public reprimand is hereby imposed upon Respondent for the conduct outlined in this Consent Order.
2. Within three months of the entry date of this Order, Respondent shall document to the Board full attendance at and successful completion of a course in record-keeping pre-approved by the Board.
3. Respondent shall Respondent improve his communication with all other physicians involved in the care of patients whom he sees, treats and/or evaluates, ensuring that he receives sufficient information to provide appropriate care to his patients.
4. Respondent shall complete all Discharge Summaries and Histories and Physicals within the guidelines of the Joint Commission which outline the requirements for completing and documenting a History and Physical examination.

5. Respondent shall remit payment of a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$5,000.00. Payment shall be made by certified check or money order payable to the State of New Jersey, and shall be submitted contemporaneously with this signed Order.

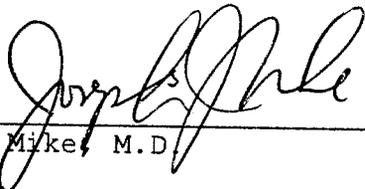
6. This Order is effective upon its filing with the New Jersey State Board of Medical Examiners.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____


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

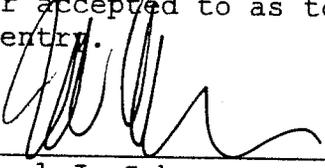
I have read and understand
the within Consent Order
and agree to be bound by
its terms.



Joseph Mike, M.D.

9/10/13
Date

Order accepted to as to form
and entry.



Michael J. Schoppmann, Esq.
Attorney for Joseph Mike, M.D.

9/12/13

**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.