

FILED

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

~~January 28, 2014~~
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Dalia A. DeLisi
Deputy Attorney General
Tel: (973)648-4741

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

IN THE MATTER OF THE SUSPENSION :	
OR REVOCATION OF THE LICENSE OF :	Administrative Action
:	
FREDERICK W. BRANDT, M.D. :	CONSENT ORDER
LICENSE NO. 25MA04780700 :	
:	
TO PRACTICE MEDICINE AND SURGERY :	
IN THE STATE OF NEW JERSEY :	

This matter was opened before the New Jersey State Board of Medical Examiners ("Board") upon receipt of a report from the Medical Practitioners Review Panel ("Panel") detailing findings and recommendations made by the Panel at the conclusion of an investigation of care provided by Respondent Frederick W. Brandt, M.D., to patient A.C. Specifically, the Panel commenced its investigation upon receiving a report from Respondent's medical malpractice insurance carrier that a payment of \$1,000,000 was made on behalf of Respondent to settle a civil malpractice action. In that action, A.C. alleged that Respondent failed to diagnose latent tuberculosis and further exacerbated A.C.'s illness by prescribing immunosuppressant medications which led to the spread of the tuberculosis and damage to multiple internal organs.

The Panel has considered available information regarding this

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matter, including expert reports from the underlying civil malpractice action, medical records that Respondent maintained for patient A.C. and testimony that was offered by Respondent when he appeared before the Panel on October 18, 2013.

Upon review of the available information, the Panel found that Dr. Brandt cared for patient A.C. for a period of approximately four years, beginning in June 2004 through at least June 2008. During that time, Respondent failed to diagnose tuberculosis, although aware of A.C.'s positive Purified Protein Derivative (PPD) skin test. Respondent diagnosed A.C. with arthritis and prescribed her immunosuppressant drugs, which were and are contraindicated for someone positive for tuberculosis. Respondent failed to warn A.C. of the risks of traveling to the Philippines, where tuberculosis is endemic, especially given she was on immunosuppressant medications he had prescribed to her. It was not until August 2008, when A.C. was seen by another physician, that she was admitted to the hospital, diagnosed with tuberculosis and began the long process of treatment for this debilitating disease which had by that time left her with irreversible medical problems affecting her organs and bones.

Based on the above findings, the Panel concluded that Respondent engaged in repeated acts of negligence in his care of patient, A.C. 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(d).

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, which is adequately protective of the public health, safety and welfare, and being further satisfied that good cause exists to support the entry of this Order:

IT IS on this 28 day of January, 2014,

ORDERED AND AGREED THAT:

1. Respondent, Frederick W. Brandt, is hereby formally reprimanded for having engaged in repeated acts of negligence regarding patient A.C., as more fully detailed above.

2. Respondent is hereby assessed an administrative penalty in the amount of \$10,000 payable within thirty days of the filing of this Order by certified check or money order, payable to the State of New Jersey, and sent to William Roeder, Executive Director, Board of Medical Examiners, Executive Director, P.O. Box 183, Trenton, NJ 08625-0183.

3. If payment or proof of payment is not received in accordance with paragraph 2 herein, a Certificate of Debt shall be filed in the amount of \$10,000.

4. The parties hereby stipulate that entry of this Order shall not be deemed an admission by Frederick W. Brandt, M.D., of any of the findings of the Board referenced herein.

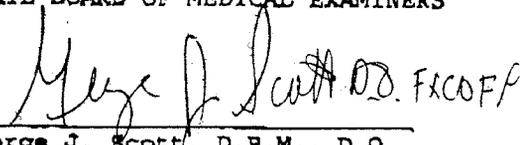
5. Respondent shall comply with the portion of the standard "directives" of the Board pertaining to licensees who have been disciplined, a copy of which is attached hereto and made a part of the within Order.

6. Respondent has been specifically informed that he may

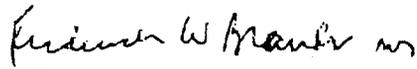
consult an attorney to represent him in this matter. Respondent acknowledges that he has been advised of the ability to consult with counsel and that he chooses to voluntarily enter into this Final Consent Order.

STATE BOARD OF MEDICAL EXAMINERS

BY:


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

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


Frederick W. Brandt, M.D.

12/31/13

Date

**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.