FILED
April 9, 2014
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **AMIR FRIEDMAN, M.D.** **LICENSE NO. 25MA08146400** TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	**Administrative Action** **FINAL ORDER**

This matter was brought before the New Jersey State Board of Medical Examiners (the "Board") upon filing of a Notice of Motion on September 12, 2013, by the Attorney General of New Jersey, by Meaghan Goulding, Deputy Attorney General, seeking the entry of an order granting summary decision based upon the allegations set forth in the Complaint filed on March 17, 2009. The allegations of Count I of the Complaint include that Respondent had his authority to engage in the practice of medicine revoked by another State for reasons consistent with N.J.S.A. 45:1-21(g); and Count II alleged that Respondent used dishonesty, fraud, deception, or misrepresentation, engaged in professional misconduct, and failed to demonstrate good moral character by:

CERTIFIED TRUE COPY

1. failing to update an April 4, 2006 initial application for medical staff appointment to the Memorial Hospital of Salem County that a disciplinary action had been filed against his license in the State of Kansas,

2. denying to Memorial Hospital on an April 16, 2008 re-appointment application that any disciplinary actions were pending or that his license had been challenged or voluntarily relinquished, and

3. failing to notify Memorial Hospital that his license to practice medicine in the State of Kansas was revoked on October 14, 2008.

The allegations were alleged to constitute grounds for disciplinary action pursuant to N.J.S.A. 45:1-21 (b), (e), (g), and N.J.S.A. 45:9-6. Respondent filed an Answer admitting some allegations of the Complaint and denying others.

Following an adjournment at the request of respondent's counsel, and cancellation of one Board meeting, oral argument was held on January 8, 2014. The State was represented by Meaghan Goulding, DAG, and Joseph Gorrell, Esq., (Brach, Eichler, LLC) appeared on behalf of respondent. By his moving papers, the Attorney General sought entry of an order granting Summary Decision on both counts of the complaint, and the imposition of sanctions, penalties and costs. The Board considered all documents submitted.[1]

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[1] In support of its motion, the State submitted and relied upon its letter brief of September 2013, its reply of December 6, 2013 and Exhibits A-Q (see Appendix). In support of his argument, Respondent relied on his December 6, 2013 letter brief and his exhibits A through M.

ARGUMENT ON SUMMARY DECISION

The Deputy Attorney General argued in her brief and at oral argument, that pursuant to N.J.A.C. 1:1-12.5(b) the State as the moving party was entitled to summary decision if it could "show that there is no genuine issue as to any material fact challenged" and thus should prevail as a matter of law. DAG Goulding argued that there are no material issues of fact as to Count I, as Dr. Friedman cannot dispute that his license to practice medicine has been revoked in Kansas for failing to adhere to the standard of care as to five patients. Following plenary hearing, findings were made by the Kansas Board that respondent failed to provide adequate coverage for his obstetrical patients in the hospital, failed to diagnose cervical cancer in a now-deceased patient, failed to address an Rh negative pregnancy resulting in fetal demise, and misleadingly indicated in a note 19 days after an incident that he was present caring for patients when he was not. The State also argued that respondent resigned his privileges at a Kansas hospital when he knew he was under investigation, contrary to Kansas law. As the findings of the Kansas Board of Healing Arts were upheld by an appellate court in Kansas, and ultimately the Supreme Court of Kansas, that in each of five patient cases there were gross and/or ordinary negligence or deviations from the standard of care, as well as professional misconduct; and as the reasons for Kansas's action are consistent with New Jersey's Uniform Enforcement Act

which recognizes gross or repeated acts of negligence and professional misconduct as grounds for disciplinary action, DAG Goulding argued the Attorney General is not required to prove anew the facts which formed the basis of the disciplinary sanction in Kansas, and therefore summary decision is appropriate as to Count I.

As to Count II, the State argued that Dr. Friedman engaged in repeated dishonesty on his 2006 and 2008 applications to Salem Memorial Hospital in New Jersey about the status of his Kansas license, when he denied that any disciplinary actions had ever been initiated against him or were now pending against him in any State, and denied that his license had ever been "challenged" or "revoked" in another State among other queries; in view of his agreement to update the facility with current information regarding all questions in the application, and in view of his failure to advise Salem when he learned his Kansas license had been revoked.

DAG Goulding pointed out that Dr. Friedman admitted in his answer to the New Jersey Complaint in April 2009 that he did not notify Salem Hospital that disciplinary action had been filed in Kansas; admitted that in an April 2008 re-appointment application he denied that his license had been challenged; and admitted that he failed to notify Memorial that his license in Kansas had been revoked. The State acknowledged that respondent argued in response to the motion for Summary decision that he advised an administrator

at Memorial of his revocation, and that it's possible he answered the re-appointment questions incorrectly. DAG Goulding asserted that those arguments could be raised during the penalty phase of this matter, but were not relevant to determining the motion for Summary Decision, as there were no material facts in dispute.

Respondent argued that he had an absolute right to a hearing, particularly as he alleged there were contested facts in dispute. As to Count I, he asserted that the Kansas Board proceeding failed to meet the requirements of due process, and that the action against him was motivated by anti-Semitism and retaliation for whistle blowing. Respondent's counsel claimed respondent was denied the right to present relevant evidence in his hearing in Kansas-pointing to a letter of a physician who was an expert witness in respondent's case by telephone in Kansas, who asserted he was not provided the opportunity to review the slides and report of the Kansas State expert; pointed to letters of a Kansas physician raising incidents of anti-Semitism against respondent which occurred in his practice in Kansas. Respondent also raised a patient letter alleging respondent went to the hospital when the judge in Kansas found he did not. Finally counsel referred to Friedman's certification to the facts alleged in counsel's brief. The brief described anti-Semitic verbal and physical incidents alleged to be ignored by the hospital and the judge at the hearing in Kansas. Counsel further pointed to a letter of a Kansas

physician, Dr. Atwood, (Respondent's Exhibit C) in which he states that another physician who would have testified that Dr. Friedman had coverage for the patient in Count II of the Kansas complaint did not, as she was afraid of losing her job or her license. Dr. Atwood further claimed that at the hearing in Kansas he was prevented from testifying regarding the political situation at a hospital in Kansas due to respondent transferring patients to another hospital. Counsel for respondent also offered uncertified letters of the patient and her husband in Count III of the Kansas complaint who states that Dr. Friedman examined her on the date in question on which the hearing officer found Dr. Friedman did not come to the hospital.[2] The husband asserts in his letter that the judge did not allow him to testify.

As to Count II of the complaint, respondent argued, among other things, that in 2008 he told the chairman of the Department that his license was revoked in Kansas, that the Attorney General has ignored that on his 2008 renewal application the question asked is whether anything has occurred within the last 2 years, but nothing new had happened, and that when allegations of misrepresentation are made, the question of intent must be explored, as a statement can be wrong because of an error or negligence. He asserted that at a minimum, there is a factual

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[2] The Supreme Court of Kansas points out that the patient's testimony is contrary to earlier written statements of Respondent in which he admitted he did not go to the hospital. (S-12 at p.29).

dispute regarding whether respondent told the truth, and the Board should refer this matter for a hearing to look at the facts to determine what respondent's intent was in making the statements on the application. Counsel asserted he would explain to an ALJ if the Board referred this matter for hearing, why the incidents infected the proceeding in Kansas.

DISCUSSION ON SUMMARY DECISION

This Board may enter summary decision pursuant to N.J.A.C. 1:1-12.5 when the documents filed demonstrate that "there is no genuine issue as to any material fact challenged, and [that] the moving party is entitled to prevail as a matter of law." In administrative proceedings, due process does not require an evidentiary hearing in the absence of contested material issues of fact. (See, e.g., High Horizons Dev. Co. v. New Jersey Dep't of Transportation, 120 N.J. 40, 51-53 (1990); Contini v. Board of Education of Newark, 286 N.J. Super. 106, 120-121 (App. Div. 1995), certif. denied, 145 N.J. 372 (1996).

There is no question that respondent's license was revoked in Kansas, and that the reasons for that action, as articulated by the Kansas Initial Order and upheld by its Supreme Court, are consistent with grounds for disciplinary sanction in New Jersey, including but not limited to multiple deviations from the standard of care and misleading statements in the patient record (See, N.J.S.A. 45:1-21 (c), (d), (e) and (g)).

The findings as to five patients in Kansas included that as to patient 1 -respondent managed the patient's labor by phone, had no coverage, when the patient experienced fetal distress, she was ultimately delivered by another physician, and respondent's medical notes were misleading as they indicate he was present and providing care to the patient. Similarly as to patient 2, respondent ordered Pitocin induction while performing surgery at another hospital; and due to declarations ordered a C-section with no physician coverage. As to patient 3 it was found to be ordinary negligence that respondent failed to come to the hospital to examine a 20 week bleeding patient leaking amniotic fluid, and respondent's note written 19 days later that he did examine the patient contrary to his earlier writings, was found misleading. As to a 4th patient who complained repeatedly of vaginal bleeding and had post-coital bleeding, respondent did no PAP testing over 15 visits, failed to diagnose cervical cancer, and the patient was eventually diagnosed with Stage IV cancer and died. As to the 5th patient, respondent failed to address an Rh negative pregnancy timely despite positive lab result in the chart.

Respondent is attempting to go behind the Kansas decision, to relitigate the issues already determined in the State of Kansas which led to the revocation of his license there, based on allegations of incidents of bias and irregularities in the hearing. What he ignores is that he had multiple opportunities to do so in

Kansas, where the hearing officers report was adopted by the Kansas Board of Medical Examiners, an appellate court and ultimately by the Supreme Court of Kansas. In nearly all of the proceedings in those venues, respondent apparently represented himself.

It was found by the Supreme Court of Kansas that substantial evidence was presented which supported each of the counts against respondent. Most strikingly, in a well-reasoned and thorough opinion of over 40 pages, the Supreme Court of Kansas points out not only overwhelming support of the Medical Board's decision, but that in many instances respondent failed to even make any argument, cite any case law or submit anything in support of arguments he had raised, and thus was found to have waived them. The Supreme Court nonetheless considered and rejected respondent's argument that he was denied due process before the Kansas Medical Board Hearing Panel. After commenting that the same assertion was considered by the court below which concluded Friedman "was provided more than a meaningful opportunity to be heard throughout the agency proceedings" (AG Ex. O and S-12 at p. 11), the Supreme Court of Kansas found that Friedman failed in his burden to present a record sufficient to present its points to the court including facts material to his arguments (I.D. at p. 11) and further found that the several other due process concerns "sprinkled" by respondent in his appellate arguments, such as alleged exclusion of evidence, were not developed, nor any explanation as to why the rulings

resulted in a due process violation. These arguments were thus deemed waived and abandoned in the Kansas Supreme Court (I.D. at p. 12). It would be particularly anomalous in these circumstances to permit respondent to raise again his due process claims in an attempt to re-try the Counts of the Kansas matter here - particularly in view of the clear precedents that we need not go behind the findings of a sister state. See, In re Cole, 194 N.J. Super. 237 (App. Div. 1984). The State need not "prove anew the facts which formed the basis of the out-of-state sanction." I.D. at 243.

The Board determined to grant Summary Decision on Count I of the Complaint finding there is a basis for disciplinary action in New Jersey based on the Kansas Sister State action pursuant to N.J.S.A. 45:1-21(g). The Kansas decision followed findings after a hearing, reviewed and adopted by the Kansas Medical Board (known as the State Board of Healing Arts), upheld by an appellate court and ultimately by the Supreme Court of Kansas. This Board will not go behind the findings of the sister State, which are consistent with bases to take action under New Jersey law. However, we except from our decision, and decline to grant summary decision as to that aspect of the Kansas Supreme Court decision referred to as Count VI (See, Ex. O and S-12 at p. 37) relating to Respondent's surrender of privileges at Coffeyville Medical Center during an

investigation, as such a surrender of privileges is not a basis for disciplinary action under New Jersey Law.

As to Count II, the Board found the certification of Respondent of his counsel's representations in counsel's brief to raise an issue of material fact as to the 2008 Memorial application, such that the Board declined to grant summary decision at the time of the hearing.

As the parties had been noticed, the Board immediately proceeded to convene a hearing regarding mitigating circumstances for determination of penalty. Respondent objected, and in view of the pendency of Count II, requested an adjournment. With the concurrence of the State, the Board adjourned the matter until the March 12, 2014 meeting, for a plenary hearing on Count II, to be immediately followed by a mitigation hearing on all Counts as to which liability will have been determined at that time.

HEARING ON COUNT II

On March 12, 2014 this matter was reconvened before the Board at which time a hearing was conducted regarding the allegations of Count II of the Complaint that information Respondent provided on his 2006 application for medical staff appointment to the Memorial Hospital of Salem County and his 2008 reappointment application included the use of dishonesty, fraud, deception, misrepresentation and professional misconduct among other allegations. Respondent and counsel again appeared. At the hearing, the Attorney General relied

on documentary evidence to support his case, including certified copies of the 2006 and 2008 reappointment applications (S-1); a letter to Dr. Friedman from Memorial Hospital regarding summary suspension of his medical staff membership dated January 26, 2009 (S-2 with attachments); the Complaint (S-3); and respondent's April 22, 2009 Answer (S-4).

Respondent presented Dr. William Manion[3] who testified as an expert witness for respondent in Kansas, as well as at the suspension hearing at Memorial Hospital. He was aware of the incidents in Kansas when he sat on a Committee at Memorial for respondent's reappointment application, and understood based on the size of the hospital that everyone was aware of the Kansas action. From a mitigation perspective, he was permitted to testify before this Board about his knowledge of the proceedings in Kansas, and his view that the Kansas hearing was not fair.

Respondent testified himself, regarding the reasons that he left Kansas due to the situation in December of 2005, the history of his application to practice at a hospital in New York, which respondent did not pursue after negative information was received from Kansas, and his application to Memorial Hospital in New Jersey in 2006, where he asserted the committee he met with was aware of the allegations before the Kansas Board. Respondent acknowledged that when he went to the credentials and Executive committees at

[3] Dr. Manion was permitted to testify first, prior to the State's case due to his scheduling issues, and also testified as to mitigation issues.

Memorial in October, he already had a public petition on record, as the Kansas Petition had been filed against him on July 31, 2006. He had even approached his "chair" to be an expert for him in Kansas, but he declined to help.

Regarding his 2008 reappointment application Respondent admitted that he became aware that Salem (Memorial) Hospital was part of a larger system, with a corporation located in Tennessee, which did not know of the issues in Kansas. He further acknowledged that Dr. Amrion at Memorial had told him that if he indicated on the application that he had an active petition, they would remove him.

Respondent admitted to the Board in his testimony that he had two options-if he "put yes"… "I lose my job". He indicated he has two kids-10 and 11 and I'm out" with no second chance. "Or put no" and leave up to the executive committee what to do. Respondent admitted to the Board that "I answered no out of desperation." He acknowledged that it was the wrong decision, indicating that sometimes put in such a desperate situation "you do things." He regrets the decision, but he hoped the application would "go through".

On cross-examination, respondent admitted that on the 2008 application he checked "no" as to whether he had any pending actions, and that aside from two physicians on his credentials committee, including Dr. Manion, the only other physician who knew

of the October 14, 2008 revocation of his license by Kansas was his chair Dr. DeCastro, who he asked to inform the CEO of the hospital. Respondent acknowledged he had an ongoing duty to update the chief of staff and the CEO himself.

DISCUSSION ON HEARING ON COUNT II

Following the liability portion of the hearing, the Board voted unanimously that the State had met its burden of demonstrating that Respondent submitted a medical staff reappointment application in 2008 in which by his own admission he made a misrepresentation in that he failed to indicate that a disciplinary action had been initiated against him and/or that his license had been challenged in the State of Kansas. Additionally, respondent failed to keep his applications current by updating information when the July 2006 and November 2006 petitions were filed against his Kansas license, and when that license was revoked.

We reject the argument of respondent's counsel that respondent substantially complied with the requirement to be truthful as he informed some officials at the hospital level who needed coverage and didn't pass on the information to the system above them. Respondent by his own admission knowingly made a misrepresentation in the reapplication to avoid losing his position, and as he was desperate because he had two children and needed an income. He further acknowledges he didn't tell the CEO

his license was revoked despite clear language that the application is to be kept up-to-date by advising the CEO (S-1, 2006 application p.8).

Based on the evidence presented, we find as follows:

1. In his April 4, 2006 initial application for medical staff appointment to The Memorial Hospital of Salem County ("Memorial Hospital"), Respondent agreed to update the hospital with current information regarding all questions contained in the initial application, including whether any disciplinary actions were initiated or pending against him by any state licensure board.

2. In his initial application, Respondent agreed to read and abide by Memorial Hospital's medical staff bylaws and hospital policies/directives applicable to medical staff appointees.

3. Respondent was on notice no later than November 3, 2006, that his license was subject to disciplinary action when the Kansas State Board of Healing Arts had filed a First Amended Petition against him. Respondent did not update his application to reflect that disciplinary action had been filed against his license to practice medicine in the State of Kansas.

4. On or about April 16, 2008, Respondent submitted a medical staff re-appointment application to Memorial Hospital, which asked the following questions:

> 1) Have any disciplinary actions been initiated and/or are any now pending against you by any state licensure Board?

2) Has your license to practice medicine in any state been challenged, denied, limited, suspended, revoked, placed on probation or voluntarily/involuntarily relinquished?

5. Though the Kansas State Board of Healing Arts had filed a First Amended Petition against Respondent on or about November 3, 2006 and Respondent was scheduled to appear before the Kansas Board for formal disciplinary proceedings, Respondent denied on his re-appointment application on April 16, 2008, that any disciplinary actions were pending or that his license had been challenged or voluntarily relinquished.

6. Respondent's license to practice medicine in the State of Kansas was revoked on October 14, 2008. Respondent failed to notify the CEO of Memorial Hospital that his license to practice medicine in the State of Kansas had been revoked.

CONCLUSIONS OF LAW

The Board concludes that Respondent's conduct constitutes misrepresentation in violation of N.J.S.A.45:1-21(b) and professional misconduct in violation of N.J.S.A. 45:1-21(e).

MITIGATION HEARING

As a basis for disciplinary action had been found as to Count I at the January 2014 hearing, and as to Count II at the hearing on March 12th, the Board immediately proceeded to a hearing on mitigating and aggravating circumstances for a determination of penalty. Respondent called several witnesses.

determination of penalty. Respondent called several witnesses (including Dr. Manion-see page 12 above).

Dr. Atwood, a physician who knew Respondent when they practiced together at a hospital (Mercy)in Kansas, characterized Respondent as a competent, capable, caring physician. He testified that the patients were pleased with the medical care he provided, and that as far as he knew Respondent was ethical. He further testified to political issues between a hospital in Kansas and Dr. Friedman. He recalled Respondent was referred to as a Judah by other members of the staff when he began to transfer his patients to another hospital, and Mercy began to undermine his activities. As to the hearing in Kansas, Atwood believed he was limited from testifying about the political situation, and wasn't permitted to explain some of his answers. He further believed the Kansas Board made up its mind prior to finishing the hearing. He acknowledged on cross-examination that he had been present only on the day of his own testimony at the Kansas hearing.

Dr. Warren Brandwine testified in mitigation. He has known Respondent for five years, and was informed about the Kansas action. He opined that Respondent had poor legal representation, apparently unaware that Respondent largely represented himself. As the chairman of the OB/Gyn department at Virtua Hospital, he gave Respondent an opportunity on his staff as he felt he deserved a chance after what occurred in Kansas. He spoke on Respondent's

behalf at the Credentials Committee, and respondent was accepted and has been successful practicing at the hospital. As Brandwine's major concern was about allegations in Kansas that Respondent abandoned patients, he instructed the staff to notify him if this issue surfaced. There has never been such a report. Brandwine put Respondent through a rigorous initial evaluation over two years; he completed it successfully, and performs very well as a physician. On cross-examination, Dr. Brandwine acknowledged that all the information he received about what occurred in Kansas came from Respondent.

Dr. Schlemer was permitted to testify via speaker phone. He is a New Jersey OB/GYN who has known Respondent since he joined Virtua Hospital, uses him as "backup" when he is away, and has joined him in a number of C-Sections and other GYN surgeries. He observes Respondent's competence is outstanding; he never had a single complaint of non-responsiveness, and is very impressed with Respondent's honesty and character.

Finally, Dr. Friedman testified on his own behalf in mitigation. He testified he was naïve when he went to a rural town, and expected to make changes. He wrote letters to the administration pointing out incorrect procedures, the letters were not appreciated, and he experienced anti-Semitic behaviors. One incident involved being asked to atone in church after asking for time off to practice his religion. He believed that patient care

issues became translated as religious issues. When he made complaints, he was told that he was being provided with courtesy privileges, and if he continued they would no longer cover for him. He cited nurses for going beyond scope and was told they were only helping him. He experienced two batteries in Kansas. The emotional attacks took a toll on him. When he began to transfer patients to another hospital, the attitude was that he had been accepted at the facility and he betrayed the hospital by using another facility. It was his belief that he was expected to atone every year, and if he did not, complaints would be written up about him. Looking back, the only thing he regrets is that he responded to the incidents. He believes he practiced good medicine in Kansas, and that the "persecution" began when he complained to the hospital about patient care and chart revisions to meet Joint Commission standards. Respondent asserted he has been practicing in New Jersey for eight years without any quality of care issues being raised. In response to Board questions, Respondent indicated he stayed in Kansas until December of 2005 out of anger. He wanted to put the hospital out of business.

The Deputy Attorney General presented many documents in support of aggravating circumstances for determination of penalty, including S-5, a transcript of testimony before a preliminary evaluation committee of the Board, to demonstrate that he has shown no remorse, nor taken responsibility for the findings regarding

patient care which occurred in Kansas. The State also entered S-6 through S-13 documents relating to the Kansas proceeding- a 2013 New York Order suspending his license for three years, and a 2010 Agreement not to practice in New York. Also presented without objection, was a certification of costs.

DISCUSSION ON PENALTY

In determining appropriate sanctions, we have considered that despite the multiple findings of substandard patient care made against him, Respondent has never taken any responsibility for his actions, and even testified before us that his biggest regret was that he was angry and responded to the incidents that occurred. He has failed to express any regret, even today, for the five patients harmed by the substandard care, findings of which have been upheld by a number of venues. The New York Order (S-13) which keeps him out of practice for three years was based on the Kansas action and also indicates that Respondent was not forthcoming about the status of his licensure matters, and that he failed to express any remorse for the patient care provided. We have likewise considered that respondent acknowledges he intended to make a misrepresentation on his reappointment application to Memorial Hospital in order to save his job. As he stated, he was "desperate."

We have also taken into account however, that Respondent apparently suffered through disturbing incidents over a number of

years based on his religion, that he represented himself in the proceedings which resulted in the revocation of his license in Kansas, and that as he left Kansas in 2005, before the revocation, he has practiced for eight years in New Jersey, not missing one day of practice, but also apparently without incident. We have also taken into consideration the testimony of Dr. Brandwine that Respondent has been under intense scrutiny as to his practice at Virtua Hospital, and has thus far practiced appropriately.

The nature of the findings against respondent in a sister state are egregious, and we are concerned that Respondent has expressed no remorse for the harm suffered by his patients. We are similarly troubled by Respondent's misrepresentation on a privilege application, which he acknowledged he did in order not to lose his job. Hospital systems must be able to rely on the truthfulness of representations made on applications, and patients must rely on the honesty of their physicians who may be faced with situations in which truthfulness will benefit the patient, but may pose adverse consequences to the physician. We have also considered the presentation made today by respondent not only of the incidents he endured for a number of years, but of several years of practice in New Jersey under strict professional oversight, and where it is represented he continues to successfully practice, enjoying the support of a mentor and colleagues. We have determined in light of the troubling and severe findings against respondent, to impose a

significant sanction and period of time out of practice, but to give respondent a second chance-an opportunity to apply to return to licensure after a period of one year. We thus offer Respondent a lifeline- and expect that he will utilize it to practice appropriately, and to conduct himself honestly, in all his professional activities.

We therefore moved, and unanimously voted to revoke the license of Respondent to practice medicine and surgery in New Jersey, with costs and penalties as indicated in this Order, and reapplication permitted no earlier than one year after cessation of practice, at which time Respondent must demonstrate fitness and competency to practice, together with cooperation and completion of the ordered terms set forth below.

THEREFORE, IT IS ON THIS 9th DAY OF APRIL 2014, ORDERED:

1. The license of respondent to practice medicine and surgery in the State of New Jersey shall be revoked effective thirty (30) days after oral announcement on the record on March 12, 2014, that is respondent shall cease and desist practice on April 11, 2014, in order to permit transition of patient care.

2. Respondent is hereby assessed a civil penalty in the amount of $20,000 representing $10,000 for violations found on each count of the Complaint. Such penalty shall be paid within thirty (30) days of the date of this Order, by certified check or money order

payable to the Treasurer, State of New Jersey and delivered to Mr. William Roeder at the office of the Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08608.

3. Respondent is assessed costs in the amount of $17,110.05 representing costs as sought by the Attorney General[4] for attorney fees, transcript and investigative costs. Such costs shall be paid within thirty (30) days of the date of this Order, by certified check or money order payable to the Treasurer, State of New Jersey and delivered to Mr. William Roeder at the office of the Board of Medical Examiners.

4. Respondent may apply for reinstatement of his license no earlier than one year following the effective date of discipline in paragraph 1 above. Prior to any application for reinstatement being considered by the Board, respondent shall demonstrate that he has complied with paragraphs 1, 2 and 3 above; and at his own expense, shall enroll in the Physicians Assistance Program (PAP),

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[4] Respondent has raised no objection to the amount of costs sought, nor provided documentation of financial hardship such as a certified statement of assets and tax returns, although given an opportunity to do so. We have reviewed the extensive certifications submitted in support of cost assessments and find the amounts sought to be reasonable in the context of this important matter, with regard to the detail submitted, the number of hours of attorney time and the rates of compensation for that time. Attorney's fees are the subject of a memo detailing the rates charged by the Division of Law for a DAG with 5 to 10 years of experience - $155 per hour, which we have considered and approved many times in the past, and note is well below the community standard. Similarly, investigative costs, approved many times in the past are based on salaries, overhead and costs of state employees. Considering the important state interests to be vindicated protection of the public by assuring physicians are honest and practice appropriately and within the standard of care, the costs sought herein appear reasonable. Indeed, the application is sufficiently detailed to permit our conclusion that the amount of time spent, and the overall fees sought, are objectively reasonable as well. (See Poritz v. Stang, 288 N.J. Super 217, App. Div. 1996).

undergo a psychological evaluation with an entity pre-approved by the PAP, including evaluation of anger management issues; and comply with the recommendations of the evaluation and the PAP; shall fully attend and successfully complete a course in ethics, pre-approved by the Board; shall appear before the Board or a Committee if requested, and shall successfully demonstrate his fitness and competency to the Board's satisfaction.

5. Failure to timely make any payments due under this Order shall result in the filing of a certificate of debt as well as any other proceedings as permitted by law.

6. Respondent shall comply with the Directives regarding Disciplined Licensees which are incorporated herein whether or not attached to this Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: [signature] DPM DO FACOFP

George Scott, D.O.
Board President

4/9/14

APPENDIX

STATE'S EXHIBIT

Motion for Summary Decision 1/8/14		3/12/14 Hearing
I	Certified Copy 2006 application and 2008 reappointment application - Memorial Hospital - Amir Friedman	S1
N	Letter to Dr. Friedman from Memorial Hospital - January 26, 2009 with attachments	S2
P	Administrative Complaint filed with The New Jersey State Board of Medical Examiners - March 17, 2009	S3
Q	Answer Dr. Friedman - April 22, 2009	S4
B	Dr. Friedman's testimony - Preliminary Evaluation Committee, May 28, 2009	S5
C	Initial Order - Kansas State Board of Healing Arts on September 8, 2008	S6
D	First Amended Petition filed by Kansas Board on November 3, 2006	S7
E	Application for an Agreement Not to Practice/Order of the Board (New York) - dated April 27, 2010	S8
G	Transcript - Dr. Friedman's testimony before the Credentialing Committee - July 31, 2006	S9
H	Petition filed by the Kansas Board on July 31, 2006	S10
M	Final Order - October 14, 2008 - Kansas Board	S11
O	Supreme Court of Kansas Opinion	S12

in Friedman v. Kansas State Board of Healing Arts

A	Curriculum Vitae - Dr. Friedman	
F	Letter to Dr. Friedman from Board of Medical Examiners - July 17, 2006	
J	Private Letter Agreement - September 18, 2006 - Dr. Friedman	
K	Letter to Dr. Friedman from Board of Medical Examiners - February 22, 2008	
L	Letter to Dr. Friedman from Board of Medical Examiners - August 20, 2008.	
	2013 Order -New York Office of Professional Conduct	S13

RESPONDENT'S EXHIBITS

1/8/14		3/12/14 Hearing
A	Letter - Dr. Manion to Dr. Mendelowitz - January 6, 2009	R-1
B	Letter - Dr. Atwood to Mr. Roeder - October 24, 2013	R-4
C	Letter - Dr. Atwood to DAG Krier - December 31, 2008	R-5
D	Letter - Angela Burnett to Dr. Mendelowitz - December 31, 2008	
E	Letter - John Burnett to Dr. Mendelowitz - December 31, 2008	
F	Letter - Dr. Manion to Mr. Steed - March 13, 2008	R-2
G	Minutes Coffeyville Medical Center - April 25, 2005 regarding Dr. Friedman's resignation	
H -	Letter - William Hughes to Dr. Friedman -	

May 26, 2010

I Letter from American Board of Obstetrics and Gynecology to Dr. Friedman June 15, 2012 and May 31, 2012

J Letters - Medical Director of Virtua Health to Dr. Friedman regarding October 12, 2010 Board of Trustees Meeting, and from Office of Medical Affairs October 1, 2010

K Letter - Dr. Brandwine to New York State Board of Medical Examiners - November 8, 2013

L - Letters to Dr. Friedman of acceptance as a participating provider in 11 health care networks or organizations - 2011-2013

M - Anonymous letter/card to Dr. Friedman - October 2006

2001-2006 Miscellaneous R-3
Letters, offense report, emails, medical Staff sign-off sheet (marked A through V - M, N and O not in evidence)