

FILED

December 31, 2014

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NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

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

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IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :  
: Administrative Action  
LADISLAV HABINA, M.D. : Docket No. BDS 05581-2014N  
LICENSE NO. 25MA06392900 :  
: CONSENT ORDER  
TO PRACTICE MEDICINE AND SURGERY :  
IN THE STATE OF NEW JERSEY :  
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This matter was opened before the New Jersey State Board of Medical Examiners ("the Board") upon the receipt of information by the Acting Attorney General ("Attorney General") concerning Ladislav Habina, M.D.'s ("Respondent") treatment of an ambulatory child, referred by a chiropractor, with facet joint, trigger point and lumbar epidural injections. Respondent is a

CERTIFIED TRUE COPY

physician licensed to practice medicine and surgery in the State of New Jersey since May 17, 1996, and Board certified in Anesthesia by the American Board of Anesthesiology, who practices interventional pain management at six locations including North Jersey Pain Management Center located at 39 Newton Sparta Road, Newton, New Jersey.

Respondent appeared before a Committee of the Board on May 5, 2010 to discuss his care and treatment of the twelve year old child who had been in a motor vehicle accident while on a school bus. Thereafter, the Board reviewed the medical records of ten additional patients referred to the Respondent by chiropractors after automobile accidents. Respondent diagnosed radiculopathy, whiplash injury, facet joint syndrome and myofasciitis and performed injection procedures including epidural steroid injections, facet joint injections, sacroiliac joint injections and trigger point injections on a majority of these eleven patients. He performed multiple procedures on every treatment date for each of the eleven patients.

On or about March 10, 2014, the Board filed a Complaint against Respondent alleging that (1) his approach to the diagnosis and treatment of his patients failed to determine the cause of the pain; resulted in excessive or unnecessary treatments; and masked the discovery of the source of the

patients' pain by performing multiple treatments at once; (2) his record-keeping was deficient in that he failed to prepare adequate, contemporaneous, professional treatment records of his care and treatment of his patients and utilized improper terminology; and (3) Respondent's training in interventional pain management as part of his anesthesiology residency requirement was inadequate foundation for practicing interventional pain management.

The Board finds that Respondent's actions in failing to maintain proper patient records as required by N.J.A.C. 13:35-6.5 constitute professional misconduct in violation of N.J.S.A. 45:1-21(e); and a violation or failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h). Respondent being desirous of resolving this matter without additional formal proceedings and neither admitting nor denying the allegations, consents and agrees to each and every term of this Consent Order, as set forth below. The Board being satisfied that the within disposition is adequately protective of the public health, safety and welfare, and that good cause exists to support the entry of this Order,

IT IS on this **31** day of December, 2014

ORDERED:

1. The Board reprimands Ladislav Habina, M.D. for his failure to comply with the provisions of any act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h), specifically, the failure to maintain proper patient records required by N.J.A.C. 13:35-6.5.

2. Respondent is hereby assessed penalties and costs in the aggregate amount of \$30,000. The payment shall be made by bank check, money order, certified check, or wire transfer. Any other form of payment will be rejected and will be returned. Payments shall be made payable to the "State Board of Medical Examiners". Payments shall be sent to William Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Trenton, NJ 08608.

3. Respondent shall make an initial payment of \$10,000 no later than fifteen (15) days after Respondent's receipt of a filed copy of this Order. Thereafter, he will pay the balance of \$20,000 in four monthly payments in the amount of \$5,000 beginning the first day of the month after the initial payment has been made and continuing until the amount is paid in full. The Board may file a certificate of debt against Respondent if the above referenced payments are not made timely.

4. Respondent will promptly undergo a full evaluation and assessment of pain management, anesthesiology, general medical

knowledge and skills, and any other areas deemed appropriate by the Upstate New York Clinical Competency Center of Albany Medical College in Albany, New York ("Assessment Center"). Within ten days of the entry of this Order, Respondent shall provide the Board and the Attorney General with documentation confirming the scheduling of the evaluation and assessment, which shall take place on the first available date for an appointment after January 11, 2015. Such evaluation must be completed and provided to the Board within three months after the entry of this Consent Order.

5. Respondent shall fully and satisfactorily complete the entirety of any recommendations the Assessment Center may make with regard to additional evaluations, practice restrictions and professional education. Should the Assessment Center determine any deficiencies exist in Respondent's clinical skills or knowledge necessary to practice medicine with reasonable clinical skill and safety, he will immediately and voluntarily cease and desist from practicing medicine in the area(s) implicated by the deficit(s) until such deficit(s) is remediated, proof of remediation has been provided to both the Attorney General and the Board, and the Board has agreed that Respondent can resume practice in the area(s) in which the deficit(s) was found. The Board will not unreasonably withhold

such agreement and will expeditiously communicate such agreement, or any other communication contemplated by this paragraph, to Respondent, upon its receipt of proof of remediation.

6. Failure to substantially comply with the terms of this Consent Order or the Assessment Center's recommendations or requirements with regard to evaluation, practice restrictions or education, will constitute a failure to cooperate with a Board investigation, a violation of N.J.A.C. 13:45C-1-1, et seq., and shall be deemed to constitute professional misconduct in violation of N.J.S.A. 45:1-21(e). In that event, the Attorney General or the Board may commence a disciplinary proceeding seeking, among other things, the suspension of Respondent's license to practice medicine and surgery in New Jersey.

7. The Board and the Attorney General will have full and complete access to any communications between Respondent and the Assessment Center, and any reports, recommendations or evaluations issued by the Assessment Center or any consultant that the Assessment Center recommends, including but not limited to the release of the assessment and evaluation report, any medical or neuropsychological evaluations, and reports with regard to practice restrictions and professional education, if any.

8. Respondent hereby authorizes the Assessment Center to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General simultaneously with their provision to Respondent. In addition, the Board, its agents and employees, including but not limited to the Board's Medical Director, may communicate directly with the Assessment Center from time to time with regard to Respondent's participation in any Assessment Center evaluation or education plan. Communications will be made in writing with a copy to Respondent's counsel, or telephonically on notice to Respondent. In the case of telephonic communications, a telephone conference will be arranged between the Respondent, the Board's Medical Director and the Assessment Center if requested by Respondent.

9. Any recommendations, evaluations, or reports issued by the Assessment Center may be introduced as a matter of public record during the course of any future disciplinary proceedings.

10. The Attorney General and the Board will provide to the Assessment Center the Complaint and the expert report of Andrew Kaufman, M.D. along with Respondent's Answer to the Complaint including the expert report appended to the Answer.

11. Respondent shall be solely responsible for whatever costs are associated with his participation in any evaluation or

assessment by the Assessment Center, and his compliance with any recommendations made by the Assessment Center.

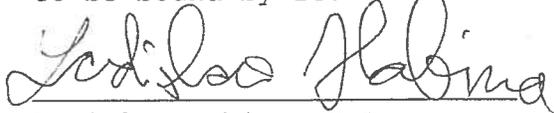
12. Respondent shall comply with any and all applicable terms of the Board's "Directives Applicable to any Medical Board Licensee who is Disciplined or whose Surrender of Licensure has been Accepted," copy attached.

13. This Consent Order shall be a full and final disposition of the Administrative matter docketed as BDS 05581-2014N. The Board shall retain jurisdiction to enforce the terms of this Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

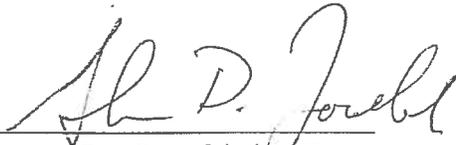
By:   
Stewart Berkowitz, M.D.  
President

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

  
Ladislav Habina, M.D.

Dated: 12/22/2014

Consented to as to form:  
Garfunkel Wild, P.C.



By: Steven D. Gorelick, Esq.  
Attorney for Respondent

Dated:

**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.