

FILED

January 7, 2015

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

NUNC PRO TUNC October 8, 2014

By: Kathy Stroh Mendoza
Deputy Attorney General
Telephone (973) 648-2779

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	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	CONSENT ORDER
ADAM GOLDFARB, M.D.	:	
LICENSE NO. 25MA06568000	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
_____	:	

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter "The Board") upon receipt of information from Bergen County Prosecutor's Office that on or about March 6, 2009, a female patient alleged that Adam Goldfarb, M.D. ("Respondent") inappropriately placed a stethoscope on her breast and that during an examination of her back, while the patient was fully clothed, you looked at her underpants. The Board also received information from the Bergen County Prosecutor's Office that on or about December 29, 2010 another female patient alleged

CERTIFIED TRUE COPY

that Respondent touched her genitals in an inappropriate manner during a physical examination.

Respondent denied all the allegations, but entered into a Private Letter Agreement with the Board on April 19, 2011 that required that he not treat any female patient in any location except in the presence of a Board-approved independent monitor.

An LPN on Dr. Goldfarb's staff was approved by the Board to serve as chaperone in treating female patient as long as the following conditions were met: he/she is aware of the chaperone agreement and acknowledges that he/she has received a copy; he/she must sign the patient charts after the visit; he/she should be reminded that as a licensee of the Board of Nursing, he/she is answerable to that Board. The chaperone has complied with the requirement of providing chaperone reports to the Board.

On June 28, 2012, Respondent was arrested. He was indicted and charged in Bergen County Superior Court with two (2) counts of sexual assault against S.W. in violation of N.J.S.A. 2C:14-2c(1). On March 4, 2013, Respondent entered into the Pretrial Intervention Program for a period of three (3) years. After successful completion of the program, the charges against Respondent will be dismissed.

On October 23, 2013, Respondent appeared and testified before a Committee of the Board. He told the Committee that since this episode, he would have a chaperone "forever" and promised to

reschedule any female patient if his chaperone was unavailable. He has self-imposed a restriction on doing breast, pelvic or rectal examinations for the next five (5) years.

The parties being desirous of resolving this matter without the necessity of further proceedings and Respondent neither admitting nor denying any wrongdoing, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same, and if further appearing that the Board finds the within disposition to be adequately protective of the public health, safety and welfare,

IT IS ON THIS 7 DAY OF January 2015 ;

ORDERED THAT:

1. Respondent shall not treat any female patient in any location except in the presence of a Board-approved independent monitor. This requirement shall extend over the duration of Respondent's active license to practice medicine and surgery in New Jersey.
2. Respondent's monitoring program, which has previously been approved by the Board shall include, at a minimum, the following:
 - a. Board-approved monitor who is a licensee of a New Jersey professional board subject to the Licensee Duty to Cooperate regulations, N.J.A.C. 13:45C-1.1 et seq.

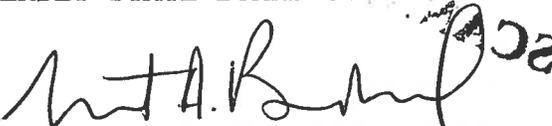
- b. The monitor may be an employee of Respondent's practice so long as this individual remains a licensee in good standing of a New Jersey professional board.
- c. The monitoring arrangement shall include various strategies to ensure that the Board-approved monitor is free from intimidation and has the power to exercise independent judgment.
- d. The monitor shall maintain a log of Respondent's daily activities sufficient to assure the Board that the monitor has accompanied Respondent at all times he interacts with any female patient in the course of his professional activities, and the monitor shall provide monthly written reports to the Board's Medical Director or designated employee of the Board, which reports the monitor independently prepared and submitted in the first instance to the Board i.e. without prior review by Respondent or anyone on his behalf; and advise the Board immediately in the event s/he is made aware of or personally perceives any untoward or questionable professional or personal conduct by Respondent.
- e. The monitor in the performance of his/her monitoring duties shall not be subject to the supervision of

Respondent, his staff, family or agents including, but not limited to, his counsel.

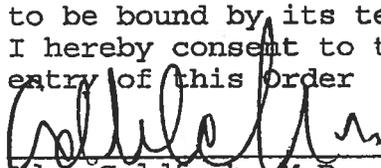
- f. Respondent shall be responsible for all of the costs associated with the monitoring arrangement approved by the Board.
4. Respondent shall enroll in and successfully complete a Board approved boundary course within three (3) months of the filing of this Order.
5. Respondent shall enroll in and successfully complete a Board approved cultural competency course that is at a minimum six (6) hours of category I credit, to be completed within three (3) months of the filing of this Order. Successful completion means that Respondent has attended all sessions of the courses, fully participated in the courses, and received a final evaluation of an unconditional pass. Respondent shall submit to the Board's Medical Director Harry J. Lessig, M.D.

This requirement was satisfied on October 31, 2013 by Respondent's successful completion of "Overcoming Cultural and Language Barriers" conducted by Quantia, M.D.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

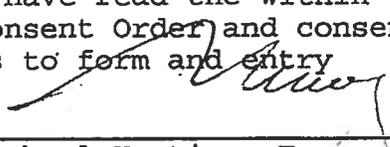
By: 
~~STEWART~~ ~~Stuart Berkowitz, D.P.M., D.O.~~
President M.D.

I have read and understand the above Order and I agree to be bound by its terms. I hereby consent to the entry of this Order


Adam Goldfarb, M.D.

Dated: 9/24/14

I have read the within Consent Order and consent to as to form and entry


Michael Keating, Esq.

Dated: 9/30/14

**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.