

JOHN HOFFMAN  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Medical Examiners

By: Megan Cordoma  
Deputy Attorney General  
Tel. No. (973) 648-4730

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

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF  
**Michael Farrell, DO**  
License No. MB06813800

Administrative Action

CONSENT ORDER

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

This matter was opened to the Medical Practitioner Review Panel ("Panel") upon receipt of a Malpractice Payment Report on behalf of Michael Farrell, D.O. ("Respondent"), indicating that \$860,000 was paid on November 8, 2012, following allegations that his delay in the diagnosis and treatment of a bowel perforation resulted in sepsis and the death of patient C.O.

Respondent appeared and testified before the Panel on February 27, 2015. He explained that he was on surgical standby, covering for another surgeon, when he was called to see C.O. in the late evening of July 9, 2010. C.O. had undergone a laparoscopic hysterectomy and was being monitored post-operatively. Upon physical examination and review of the CT scan,

Respondent noted that C.O. had abdominal bloating, pain in the right quadrant and free air in her abdominal cavity. Respondent suspected that C.O. may have had a bowel injury during the hysterectomy and discussed the case with the patient's surgeons, both of whom were Respondent's superiors at the hospital. Both surgeons said there was no bowel injury and the surgery was entirely without complication. Respondent, in the early morning of July 10, 2010, called one of the surgeons again and requested that he come in to see C.O. The surgeon did not comply. Although Respondent noted in his progress notes on July 10, 2010 that the patient remained critically ill and he was closely observing the patient, he did not immediately bring the patient to surgery himself.

Respondent testified that he was reluctant to do surgery because he felt that his work was being scrutinized by his superiors, who believed there was no injury, and because he believed that had he done surgery, but it was ultimately unnecessary, there was a possibility he would lose his job. Respondent admitted that had C.O. been his patient primarily, he would have done the surgery when the symptoms presented. He conceded that C.O. was his responsibility while she was under his care. Respondent testified that he has learned from his mistakes, and if this situation were to present itself in the future, he would take the patient into surgery immediately.

Ultimately, Respondent took C.O. in for surgery in the afternoon of July 10, 2010 and performed exploratory laparotomy, drainage of abdominal abscess, segment of small bowel resection, perforated terminal ileum with ileostomy completed with towel clips. He did not write his operative report for two days following the surgery. Respondent testified that it was his usual practice to write his operative reports several days after surgery was completed and he was not aware that operative reports are to be completed immediately after surgery. He will now write them immediately following surgery.

The Board finds that Respondent's delay in taking a patient under his care into surgery, when the patient presented with symptoms indicating surgery was necessary and prudent, constitutes gross negligence.

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, therefore on this 19<sup>th</sup> day of January, 2016

**ORDERED THAT:**

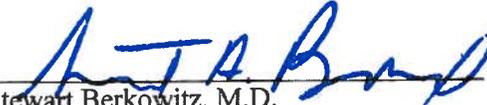
- 1) Respondent, Michael Farrell, D.O., is hereby reprimanded for his gross negligence in the care and treatment of C.O.
- 2) Respondent shall pay a civil penalty in the amount of \$5,000 within thirty (30) days of the date this Order is filed. Payment shall be made by bank check or money order made payable to the State of New Jersey and shall be sent to New Jersey State Board of Medical Examiners, ATTN: William Roeder, Executive Director, P.O. Box 183, Trenton, New Jersey 08625. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law.
- 3) Within six (6) months of the date this Order is filed, Respondent shall submit to the Board proof of successful completion of a course, pre-approved by the Board and offered by the

American College of Surgeons, in post-operative management in Abdominal Surgery.

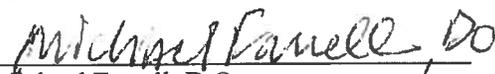
Successful completion means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved, which was unconditional and without reservation.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

  
Stewart Berkowitz, M.D.  
Board President

I have read the within Order, understand and agree to its terms and agree to be bound by them. I consent to the entry of this Order.

  
Michael Farrell, D.O.

Consent as to form and entry:



\_\_\_\_\_  
Fred J. Hughes, Jr., Esq.  
Counsel for Respondent

**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.