

NJ STATE BOARD OF MEDICAL EXAMINERS
OPEN AGENDA
DISCIPLINARY MATTERS PENDING CONCLUSION - March 14, 2007

ROLL CALL

RATIFICATION OF MINUTES

The Minutes from the February 14, 2007 Board meeting are submitted for Board approval, amendment, or correction.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

10:00 A.M. DiSPALTRO, Franklin L., M.D.
LABUE, Anthony Esq.
WARHAFTIG, Jeri D.A.G. (Prosecutor)

By way of background, Dr. DiSpaltro pled guilty in March 2006 to a Federal charge of tax evasion. In his plea, he acknowledged that for about three years he had patients writing checks to him personally rather than to the practice which respondent deposited into his personal account so that the income was not reported for income tax purposes and that had a negative effect on new associate who was compensated on % of gross. He was sentenced to a five month term of imprisonment with a recommendation to the Bureau of Prisons that he be confined in a community center. He performed three hundred (300) hours of community service without pay. An Administrative Complaint was filed on or about January 16, 2007. Respondent filed his answer on or about February 20, 2007. The parties are scheduled to appear for oral argument.

1:00 P.M. PARIKH, Nikhil S., M.D.
CONROY, Robert J., Esq.
KRIER, Siobhan, D.A.G. (Prosecutor)

On or about January 26, 2007, the Attorney General filed a Motion for Summary Decision on the allegations set forth in the Administrative Complaint filed on or about February 22, 2006. On or about February 26, 2007, Respondent filed his papers in opposition to the Summary Decision Motion. Relevant materials have been attached for the Board's review. The parties have been scheduled for oral argument.

By way of background, this matter originally came before the Board upon receipt of information that Dr. Parikh had been charged on July 19, 2002 with Criminal Sexual Assault. Dr. Parikh entered into an Interim Consent Order on or about September 22, 2003 whereby he agreed to, inter alia, have a chaperone present any time he rendered medical services to female patients. The criminal trial was conducted in Superior Court and Dr. Parikh was acquitted of the criminal charges against him. The Attorney General filed an Administrative Complaint alleging sexual misconduct, gross malpractice, professional misconduct and a lack of good moral character on February 22, 2006. Dr. Parikh filed his Answer denying the allegations on or about March 17, 2006.

NEW BUSINESS

OLD BUSINESS

LEVINE, Benjamin, M.D.
JESPERSEN, Kevin, D.A.G. (Prosecutor)
JOYCE, Sharon, A.A.G. (Counseling)

This matter most recently was before the Board upon the receipt of a renewal application submitted by Dr. Levine. Preliminarily, the Board determined that notwithstanding the suspension of his license for failure to properly

renew that was imposed on or about July 30, 2003, Dr. Levine continued to practice medicine and did so without the required medical malpractice insurance. Additionally, on or about December 8, 2005, Dr. Levine was charged with criminal complaint for engaging in the criminal unlicensed practice of medicine and having obtained by deception more than \$75,000. The Board determined that this misconduct provided a basis for the denial of his reinstatement request. By way of Provisional Order of Discipline (the gProvisional Orderh) filed on or about October 12, 2006, the Board sought the continued suspension of his license. Dr. Levine filed multiple answers to the Provision Order and requested a hearing before the Board. The hearing was held before a Committee of the Board (the gHearing Committeeh) on January 24, 2007. Attached, in addition to the relevant background materials, are copies of the Transcript and the Hearing Committeefs report. The Board is asked to determine whether to accept, reject or modify that recommendation.

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