State Board of Medical Examiners
Open Disciplinary Agenda
July 8, 2009

I. ROLL CALL

II. RATIFICATION OF MINUTES

The Minutes from the June 8, 2009 Board meeting are submitted for Board approval, amendment, or correction.

III. HEARINGS, PLEAS, AND APPEARANCES

10 a.m. FEIT, Frederick M.D. , License #25MA05617400
Pro Se
DAG Tara Ragone, Prosecuting
Debra W. Levine, D.A.G., Counseling

The matter is before the Board based on the filing on June 5, 2009 of a Notice of Motion for Summary Decision on the Complaint filed by the Attorney General on or about February 25, 2009. The Attorney General's Motion is based on Dr. Feit's admissions made during his plea of guilty to theft by deception insofar as he admitted under oath that he knowingly and repeatedly submitted improper bills to Medicare and two insurance companies. Dr. Feit has denied the allegations.

11 a.m. SHETH, Surendra M.D., License #25MA03027000
DAG Shiobhan Krier, Prosecuting
Robert Conroy, Esquire for the Respondent
Debra W. Levine, DAG , Counseling

On May 18, 2009, the Initial Decision of Administrative Law Judge Patricia M. Kearns, in the above matter was received by the Board. At this time, the Board is in receipt of the the Respondent's written exceptions dated May 29, 2009 and the Attorney General's response dated June 15, 2009. The Board also received a letter from counsel for Dr. Sheth dated June 16, 2009 objecting to DAG Krier's filed exceptions as untimely filed.

Consideration of the matter will be conducted in a bifurcated fashion. During the first part of the matter, the parties will be afforded an opportunity for twenty minutes of oral argument on the exceptions filed. The Board will determine whether to adopt, modify or reject the Findings of Fact and Conclusions of Law embodied in the Initial Decision. If, following deliberations, the Board determines that a statutory basis exists to take disciplinary action against Dr. Sheth, then the matter will immediately continue to a penalty phase, where the parties will be afforded an opportunity to present testimony and make arguments upon the question of what sanctions, including penalties and/or costs, if any, should be assessed.

1 p.m. COSTINO, John G., Jr., D.O., License #25MB02575800
DAG David Puteska, Prosecuting

Glenn A. Zeitz, Esq. For the Respondent
Sandra Y. Dick, S.D.A.G, Counseling

The Board received a copy of Administrative Law Judge W. Todd Miller's Initial Decision in the above matter. It was received by the Board on or about May 14, 2009. The Board is in receipt of the Respondent's written exceptions dated May 26, 2009 and June 10, 2009 and the Attorney General's response dated June 2, 2009. Consideration of the matter will be conducted in a bifurcated fashion. During the first part of the matter, the parties will be afforded an opportunity for twenty minutes of oral argument on the exceptions filed. The Board will determine whether to adopt, modify or reject the Findings of Fact and Conclusions of Law embodied in the Initial Decision. If, following deliberations, the Board determines that a statutory basis exists to take disciplinary action against Dr. Costino, then the matter will immediately continue to a penalty phase, where the parties will be afforded an opportunity to present testimony and make arguments upon the question of what sanctions, including penalties and/or costs, if any, should be assessed.

IV. OLD BUSINESS

LaFON, Michael M.D. 25MA04535900
David G. Evans Esq. for the Respondent

Dr. LaFon petitioned the Board to reinstate his medical license. This matter was heard on the papers on February 11, 2009. At that time, the Board tabeled decision on the petition. It requested that the administrative office write to the prosecutor to determine whether his office had any objection to the board's consideration of reinstatement of Dr. LaFon's license, in light of the plea agreement. Attached is a copy of the prosecutor's response.

LEVINE, Benjamin, M.D., 15MA02389700
Pro Se

The Board is being asked to reconsider its prior determination, communicated to Dr. Levine by letter dated December 8, 2008, that Dr. Levine be required to submit to an assessment of his practice, to be conducted either by CPEP or the University of California-San Diego, before the Board will determine whether to reinstate his license. As an alternative, Dr. Levine is requesting that the Board consider allowing the assessment to be conducted in New Jersey by New Jersey licensed physicians.

V. NEW BUSINESS

Nothing Scheduled.