

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION - August 10, 2016**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday August 10, 2016 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey for Disciplinary Matters Pending Conclusion, open to the public. The meeting was called to order by Chetan Shah, M.D., Board Vice President.

PRESENT

Board Members Angrist, Carniol, DeLuca, Haidri, Kubiel, Lopez, Metzger, McGrath, Parikh, Scott and Shah.

EXCUSED

Board Members Berkowitz, Maffei, Miller, Rao and Rock.

ABSENT

ALSO PRESENT

Assistant Attorney General Joyce, Senior Deputy Attorneys General Dick, Flanzman and Gelber, Deputy Attorneys General Cardoma, Goulding, Hafner and Puteska, William V. Roeder, Executive Director of the Medical Board, Robert Petronglo, Assistant to the Executive Director, Sindy Paul, M.D., Medical Director and Harry Lessig, M.D., Consultant Medical Director.

RATIFICATION OF MINUTES

The Minutes from the July 13, 2016 Board meetings were submitted for Board approval, amendment, or correction.

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AFTER A MOTION MADE BY DR. CARNIOL AND
SECONDED BY MS. LOPEZ, THE BOARD UNANIMOUSLY
ACCEPTED THE JULY 13, 2016 MINUTES.

HEARINGS, PLEAS AND APPEARANCE

10:00 AM **JASINSKI, Darius, D.P.M, 25MD00280100**
Complaint #100431
Daniel G. Giaquinto, Esq., for Respondent
Pavithra Angara, DAG, Prosecution
Steven Colby, DAG, Prosecution

This matter was before the Board upon the filing of an Order to Show Cause and Verified Complaint seeking the temporary suspension of Dr. Jasinski's license to practice podiatry. It was alleged that, among other things, Dr. Jasinski has violated the Board's statutes and regulations in his treatment of his various patients and in the manner of his CDS prescribing practices.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT A PROPOSAL FOR A 3 YEAR SUSPENSION WITH 18 MONTHS ACTIVE SUSPENSION, AND A PERMANENT BAN ON CDS, HGH, AND STEROID PRESCRIBING. DR. JASINSKI WILL ALSO SUCCESSFULLY COMPLETE AN ETHICS TRAINING, RECORDS TRAINING, AND SKILLS ASSESSMENT. IN ADDITION, THE DOCTOR WILL BE RESPONSIBLE FOR \$50,000 IN COSTS AND MUST APPEAR BEFORE A PEC BEFORE REINSTATEMENT.

MOTION BY DR. SCOTT AND SECONDED BY DR. CARNIOL.

OLD BUSINESS

HOCHBERG, John L., M.D., 25MA04163600

Complaint #5652

Stephen A. Gravatt, Esquire for Respondent

DAG Kathy Mendoza, Prosecution

DAG Megan Cordoma, Counseling

There were two matters before the Board: (1) the Attorney General's Cost Application and Respondent's Objections thereto and (2) a request to stay the decision made at last month's Board meeting.

The Board, upon motion by Dr. Shah and seconded by Ms. Lopez, went into closed session. All members of the public and prosecution left the room.

Upon returning to open session, DAG Cordoma read the Board's motion made by Dr. Shah, seconded by Dr. Angrist. The motion was unanimously approved.

THE BOARD, HAVING HAD THE OPPORTUNITY TO REVIEW THE TWO CERTIFICATIONS PREPARED BY DAG MENDOZA, FOUND THAT THE APPLICATION ARE SUFFICIENTLY DETAILED AND THAT COSTS WILL BE IMPOSED ON DR. HOCHBERG, WITH LIMITED EXCEPTIONS.

THE BOARD FOUND THAT AN HOURLY RATE OF \$300 FOR AN ATTORNEY OF MORE THAN 20 YEARS OF EXPERIENCE IS HIGHLY REASONABLE AND AT, OR BELOW, THE COMMUNITY STANDARD. NONETHELESS, THE BOARD DETERMINED THAT, IN ITS DISCRETION, GIVEN THAT THE

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ATTORNEY FEES SOUGHT TO COVER A PERIOD OF 8 YEARS, IT WILL UTILIZE RATES IN EFFECT AT THE TIME THE COSTS WERE INCURRED, WHICH WILL REDUCE THE HOURLY RATE TO \$175 PER HOUR FOR THE PERIOD BEFORE SEPTEMBER 2015.

DAG MENDOZA BILLED ONLY FOR HER OWN WORK ON THIS CASE WHICH AMOUNTED TO 1148.8 HOURS. THE BOARD FOUND THAT THE MAJORITY OF THE ENTRIES ON THE SUPPLEMENTAL CERTIFICATION INCLUDED ADEQUATE DETAILS TO SUPPORT THE HOURS BILLED AND COSTS WILL BE IMPOSED. THERE WERE, HOWEVER, 118 HOURS OF ATTORNEY TIME INCURRED PRIOR TO SEPTEMBER 2015 WITH INSUFFICIENT DETAIL TO ALLOW THE BOARD TO DETERMINE WHETHER THE HOURS CLAIMED WERE REASONABLE AND COSTS WILL NOT BE IMPOSED FOR THAT TIME.

COURT REPORTER COSTS WERE AWARDED IN FULL AND EXPERT INVESTIGATIVE COSTS WERE AWARDED IN REDUCED AMOUNTS.

THE BOARD WILL NOT GRANT AN EMERGENCY STAY ON THIS DECISION, OR THE DECISION FROM LAST MONTH'S MEETING HAVING REVIEWED THE WRITTEN MATERIALS, THE ATTORNEY GENERAL'S RESPONSE AND NOT BEING PRESENTED ANY NEW EVIDENCE.

FOR ALL THE REASONS SET FORTH IN THE BOARD'S FINAL ORDER AND FINDINGS THAT NOTHING NEW HAS BEEN PRESENTED TO PERSUADE THE BOARD, RESPONDENT'S LICENSE SHOULD BE SUSPENDED EFFECTIVE AUGUST 12,

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2016. RESPONDENT'S APPLICATION FOR A STAY PENDING APPEAL IS DENIED.

MOTION BY DR. SHAH AND SECONDED BY DR. ANGRIST.

DAVIS, Jeffrey J., M.D.
25MA04397200

By way of background, the New Jersey Board of Medical Examiners issued a Provisional Order of Discipline ("POD") on March 10, 2016, which provisionally revoked Dr. Davis's license to practice medicine. The POD ordered that Dr. Davis submit any requests for modification or dismissal, including any documents and written evidence to the Board prior to finalization of the Order. Dr. Davis failed to submit any written materials and on May 18, 2016, the Board issued a Final Order of Discipline revoking his license. The Board received a letter from Dr. Davis dated May 14, 2016, in which he indicated that he just received the POD because he had not changed his address with the Board. Furthermore, Dr. Davis requested a hearing to appeal the Board's decisions and argued that the underlying Massachusetts action was based on factual errors. The Board voted to rescind the FOD and established the briefing schedule. Attached were copies of the Respondents papers in opposition and the Attorney General's response thereto.

THE BOARD MOVED TO AFFORD DR. DAVIS A HEARING AT ITS NEXT MEETING AND, IF LIABILITY IS FOUND, TO HOLD A PENALTY HEARING IMMEDIATELY AFTER.

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MOTION BY DR. METZGER AND SECONDED BY MS. KUBIEL.

NEW BUSINESS

Nothing Scheduled.

Respectfully submitted,

Chetan Shah, M.D.
Board Vice President

WVR/br