

**State Board of Medical Examiners
Disciplinary Matters Pending Conclusion
January 12, 2005**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, January 12, 2005 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 Mr. Glenn Farrell, Chairperson for Open Disciplinary Matters.

PRESENT

Board Members Chen, Criss, Farrell, Haddad, Harrer, Huston, Moussa, Paul, Perry, Ricketti, Robins, Rokosz, Trayner, Walsh and Weiss.

EXCUSED

Board Members Lucas and Patel.

ABSENT

Board Members Desmond and Wallace.

ALSO PRESENT

Assistant Attorney General Joyce, Deputy Attorneys General Dick, Ehrenkrantz, Gelber, Kenny, Levine, Matthews, Warhaftig, Executive Director Roeder and Medical Director Gluck .

RATIFICATION OF BOARD MINUTES

THE DECEMBER 12, 2004 OPEN BOARD MINUTES WERE NOT SUBMITTED FOR RATIFICATION. THESE MINUTES WILL GO BEFORE THE BOARD FOR RATIFICATION AT THE FEBRUARY 9, 2005 MEETING.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

1:00 p.m. - COHEN, Wendy M.D. (License #MA 32189)
(Counseling D.A.G.: DICK, SANDRA)
KERN, Steve I., Esq., for Respondent
BEY, Hakima D.A.G. for Complainant

Dr. Trayner recused from discussion and vote in this matter.

This matter was set down before the Board on December 8, 2004 and was adjourned and was again before the Board based on the filing of a Notice of Motion for a Summary Decision with an accompanying Letter Brief Certification and Exhibits. Although Respondent wrote in to the administrative office representing that a full and complete written response would be sent, nothing had been received to date. Respondent, however, has denied all allegations set forth in the Complaint.

Enclosed was Respondent's counsel, Steven I. Kern's January 6, 2005 letter to Executive William Roeder in opposition to the State's motion for summary decision to suspend or revoke Dr. Cohen's license to practice medicine. Also enclosed were the Certifications of Barbara Cobuzzi, with exhibits; and Dr. Wendy Cohen.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO ADJOURN DR. WENDY COHEN'S APPEARANCE BEFORE THE BOARD TO FEBRUARY 9, 2005 MEETING. THERE WILL BE NO MORE

ADJOURNMENTS GRANTED IN THIS MATTER.

OLD BUSINESS

1. AMBROSE, Jebamoni M.D. (License # MA 25573)
(Flanzman, Steven N., Counseling D.A.G.)
HAWKINS, Eldridge Esq., for Respondent
GOODMAN, Daniel D.A.G. for Complainant

Enclosed for the Board's review and reconsideration was D.A.G. Daniel Goodman's December 27, 2004 letter to Executive Director William Roeder in response to the Board's December 14, 2004 letter requesting a more detailed written response concerning D.A.G. Goodman's previously submitted Certification of Costs on November 22, 2004 in the matter of Jebamoni Ambrose, M.D.

By way of background, the Board of Medical Examiners at its December 8, 2004 meeting tabled making a determination on the amount of attorney's fees to assess against Respondent Jebamoni Ambrose, M.D. in order to afford the Attorney General an opportunity to respond in writing to the objections to the attorneys' fee application that were forwarded to the Board by Dr. Ambrose in correspondence dated November 29, 2004. The Board noted that, although Respondent sent his objections to the Board, those objections did not appear to have been copied to D.A.G. Goodman, and thus the Board deemed it appropriate to afford the Attorney General an opportunity to respond in writing to Respondent's November 29, 2004 submission. The Board asked that the Attorney General provide a more detailed written submission concerning the attorneys' fee application no later than December 28, 2004, and that Respondent submit any reply thereto not later than January 6, 2005. To date, the Board office had not received Respondent's reply.

Reconsideration of the Application for Cost Assessment by the Board was requested on the papers in the matter of Jebamoni Ambrose, M.D.

All pertinent materials regarding this matter were enclosed for the Board's review.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT THE ATTORNEY GENERAL'S APPLICATION FOR COSTS IN THE AMOUNT OF \$16,875.00 BASED ON THE SUPPLEMENTAL MATERIAL SUBMITTED. THE BOARD CONSIDERED THAT THE ATTORNEY FEES AND COSTS SHOULD BE BORNE BY THE LICENSEE WHO VIOLATED THE BOARD'S DUTY TO COOPERATE REGULATION.

2. CHANG, Ming Z., M.D. (License # MA 41830)
KEATING, Michael/Kyreakakis, Andrew J., Esqs. For Respondent
RAGONE, Tara Adams D.A.G. for Complainant

Enclosed was D.A.G. Ragone's January 4, 2005 memo to the Board requesting guidance in the matter of Ming Z. Chang, M.D. as to whether the Attorney General may draft a Consent Order embodying the terms approved by the Board at its September 8, 2004 meeting as modified to reflect Dr. Chang's current employment opportunity at St. Mary's Hospital subject to Dr. Bahramipour's monitoring. All pertinent materials regarding this matter were also enclosed for the Board's review.

By way of background, this matter was recently opened to the State Board of Medical Examiners by Dr. Chang's appearance before the Preliminary Evaluation Committee of the Board on August 18, 2004 pursuant to the terms of a Board Order filed September 25, 2002 where the Board found that Dr. Chang engaged in a pattern of radiographic readings over a span of ten years that were not within accepted standards of radiological practice thus creating risks to his patients. In addition, the Board found that Dr. Chang failed to properly prepare and maintain patient records both in film and paper form. The Board suspended Dr. Chang's license for two years (one year active, and one year to be served as a probationary period). The Board also ordered Dr. Chang to pay penalties of \$100,000 and cost of \$20,658.18 and required Respondent to demonstrate successful completion of a Board-approved ethics and a Board-approved radiology course during the one year period of active suspension

and also for Dr. Chang to appear before a Committee of the Board prior to the resumption of the active practice of medicine and to demonstrate compliance with the terms of the Order; and required that during the period of probation, Dr. Chang be monitored at his own expense by a Board approved radiologist who would provide quarterly reports to the Board.

Enclosed in the matter of Dr. Ming Chang was a copy of the decision rendered by the Superior Court of New Jersey on May 13, 2004 by Judges Kestin, Cuff and Winkelstein affirming the Final Decision of the Board of Medical Examiners.

Dr. Chang appeared before a Committee of the Board on August 18, 2004 along with his attorneys, Michael Keating and Andrew Kyreakakis to demonstrate his compliance with the terms of the active suspension, including payment on July 13, 2004 of all penalties and costs as required in the September 25, 2002 Order, completion of three Board-approved radiology courses, and completion of a course in ethics. Dr. Chang also sought to establish the conditions that will be imposed during his one year of supervised probation. The Board adopted the Committee's recommendation that Dr. Chang be permitted to return to the practice of medicine on a probationary basis with a monitor in place for a period of one year at its September 8, 2004 meeting.

Respondent's counsel, Michael Keating, by letter dated December 22, 2004 had requested modification of the terms of Dr. Chang's anticipated reinstatement, as detailed in D.A.G. Ragone's memo, from the initially indicated monitor Dr. Bakal to Dr. Bahramipour, a Board-certified radiologist affiliated with University Hospital. D.A.G. Ragone has been further informed that Dr. Chang is currently applying for hospital privileges at St. Mary's Hospital in Hoboken, New Jersey which is a University Hospital affiliate.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MONITOR PROPOSED BY DR. CHANG AND THIS WOULD BE EMBODIED IN A CONSENT ORDER REINSTATING DR. CHANG AND PROVIDING DETAILS OF THE MONITORING PROGRAM THAT IS TO BE IN PLACE.

**D.A.G. Joan Gelber noted that she was the prosecuting deputy on Dr. Chang's case, but has no role whatever at this stage.

3. GOLDSTEIN, Jerrold B., (License # MB 22185)
(COUNSELING D.A.G.: DICK, Sandra Y.,)
GORRELL, Joseph M., Esq. for Respondent
BAUDRY, Adriana E., D.A.G. for Complainant

Dr. Robins was recused from discussion and vote in this matter.

Enclosed was D.A.G. Baudry's January 5, 2005 letter addressed to Executive Director William Roeder in response to Mr. Joseph Gorrell's January 4, 2005 letter objecting to the Board's decision rendered on December 8, 2004 in the matter of Jerrold B. Goldstein, D.O. Enclosed also was D.A.G. Baudry's response to Mr. Gorrell's January 4, 2005 letter proposing a global settlement with respect to the two matters currently pending against Dr. Goldstein.

D.A.G. Baudry summarized in her January 5, 2004 letter the reasons for respectfully requesting that Respondent's request to appear before a Committee and/or application for dissolution or modification of the Board's August 24, 2004 Order again be denied as premature. With regard to the matter pending at the OAL, D.A.G. Baudry's stated in her January 5, 2005 letter that the Attorney General remained open to a reasonable settlement.

All pertinent materials and correspondence in this matter were enclosed in the Closed Session materials, due to the confidentiality of medical reports, for the Board's review.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY AN APPEARANCE BY DR. GOLDSTEIN AT THIS TIME FOR A VARIETY OF REASONS INCLUDING, BUT NOT LIMITED, TO THE FACT THAT THE BOARD HAS NOT RECEIVED A RECOMMENDATION FROM THE PHP

WHOLEHEARTEDLY ENDORSING DR. GOLDSTEIN'S RETURN TO PRACTICE; THERE IS AN INSUFFICIENT DEMONSTRATION OF FITNESS TO RETURN TO PRACTICE; AND THERE'S AN INSUFFICIENT DEMONSTRATION OF EFFORT TO OBTAIN RECORDS REQUIRED UNDER THE BOARD'S ORDER OF TEMPORARY SUSPENSION. A DOCUMENT MORE FULLY DETAILING THE BOARD'S REASONING WILL FOLLOW.

NEW BUSINESS

1. SISTER STATE MATTERS - FINALIZATION OF PROVISIONAL ORDER OF DISCIPLINE WITHOUT MODIFICATION

RAVIN, John M., M. D. (License # MA 21265)
PEREZ, Mileidy D.A.G. for Complainant

D.A.G. Perez submitted the enclosed December 20, 2004 letter to the Board concerning a Provisional Order of Discipline (POD) filed with respect to Dr. John Ravin. The (POD) was issued on September 14, 2004. This (POD) was subject to finalization 30 days after issuance and no response had been received. Enclosed was Executive Director Roeder's Affidavit of Service with respect to Dr. Ravin. The Attorney General sought the entry of a Final Order of Discipline Without Modification for the above physician.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO APPROVE THE FINALIZATION OF PROVISIONAL ORDER OF DISCIPLINE WITHOUT MODIFICATION IN THE MATTER OF DR. JOHN RAVIN.

4. SISTER STATE MATTERS - FINALIZATION OF PROVISIONAL ORDER OF DISCIPLINE WITHOUT MODIFICATION

NUSCHKE, Randell A., M.D. (License # MA 47385)
PEREZ, Mileidy D.A.G. for Complainant

D.A.G. Perez submitted the enclosed December 20, 2004 letter to the Board concerning a Provisional Order of Discipline (POD) filed with respect to Dr. Randell Nuschke. The POD was issued on October 18, 2004. This POD was subject to finalization 30 days after issuance and no response had been received. Enclosed was Executive Director Roeder's Affidavit of Service with respect to Dr. Nuschke. The Attorney General sought the entry of a Final Order of Discipline Without Modification for the above physician.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO APPROVE THE FINALIZATION OF THE PROVISIONAL ORDER OF DISCIPLINE WITH MODIFICATION IN THE MATTER OF DR. RANDELL NUSCHKE.

The meeting ended at 3:05 p.m.

Respectfully Submitted,

Glenn Farrell, Esq.
Chairperson for Open
Disciplinary Matters

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