

**State Board of Medical Examiners  
Open Disciplinary Minutes  
February 19, 2003**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, February 19, 2003 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. Farrell, Vice-Chairperson for Open Disciplinary Matters.

**PRESENT**

Board Members Criss, Farrell, Harrer, Moussa, Patel, Paul, Perry, Ricketti, Robins, Rokosz, Trayner and Walsh

**EXCUSED**

Board Members Chen, Desmond, Haddad, Huston, Lucas, Wallace and Weiss

**ALSO PRESENT**

Assistant Attorney General Joyce, Deputy Attorneys General Dick, Gelber, Kenny and Warhaftig, and Executive Director Roeder

**RATIFICATION OF MINUTES**

The Board Minutes from the January 8, 2003 Board meeting were ratified as submitted.

**HEARINGS, PLEAS, RETURN DATES, APPEARANCES**

**10:00 a.m. - KUBLIN, Anne, M.D., License #52227 (Counseling Deputy: DICK)  
MORIARITY, Charles A., Esq., for Respondent  
GOODMAN, Daniel S., D.A.G., for Complainant**

Matter was set down for hearing on an Order to Show Cause and Verified Complaint filed by the Attorney General on January 30, 2003 seeking the temporary suspension of the license of Anne Kublin, M.D., to practice medicine and surgery and for such other relief deemed appropriate. The one-Count Verified Complaint alleges failure to appear before the Preliminary Evaluation Committee of the Board in response to a lawful subpoena representing a failure in her duty to cooperate with the Board; failure to comply with provisions of an act or regulation administered by the Board; her alleged conduct with regard to her recent disappearance and three-count criminal indictment evidences that she has engaged in dishonesty, fraud, deception or misrepresentation; has engaged in professional misconduct; is presently incapable of discharging the functions of a license in a manner consistent with the public health, safety and welfare; and is practicing medicine in a manner presenting a clear and imminent danger to the public health safety and welfare.

This matter was adjourned.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RATIFY BOARD PRESIDENT HARRER'S DECISION TO ADJOURN THIS MATTER UNTIL THE BOARD MEETING ON APRIL 9, 2003 BASED ON THE LICENSEE'S REPRESENTATION THAT SHE WILL VOLUNTARILY REFRAIN**

**FROM PRACTICE UNTIL THIS MATTER CAN BE HEARD. IN THE INTERIM, DR. KUBLIN ALSO HAS AGREED TO VOLUNTARILY SUBMIT TO THE PHYSICIANS HEALTH PROGRAM FOR AN EVALUATION.**

**10:30 a.m. - KAUL, Richard A., M.D. (Counseling Deputy: JOYCE)  
LABUE, Anthony F. and VOLKERT, Susan E., Esqs., for Respondent  
NIEDZ, Alan, D.A.G., for Complainant**

This matter was set down for hearing on December 11, 2002. At that time the Board voted to deny the motion to dismiss the Provisional Order of Discipline, to deny the motion to strike the Demand for Statement under Oath, and to deny the motion to strike the Attorney General's December 2, 2002 letter and underlying documents. Although the Board was ready to hear the matter at the December meeting, it determined to adjourn to allow for an opportunity to further exchange information between counsel. The Board granted the adjournment until the Board's January meeting, but it was then adjourned until this meeting because respondent's counsel was unavailable.

A Provisional Order of Discipline (POD) was filed September 20, 2002 in the matter of Dr. Kaul. At the request of counsel for Dr. Kaul, the Board, at its November 13, 2002 meeting, granted an evidentiary and mitigation hearing in this matter. Subsequent to that decision, Mr. LaBue further requested that the matter be heard before a Committee of the Board or transferred to the Office of Administrative Law (OAL). Dr. Harrer reviewed the request and denied it. Enclosed for Board consideration were the POD filed September 20, 2002; Mr. LaBue's November 11, 2002 correspondence with attachment; D.A.G. Niedz' November 22, 2002 correspondence; and D.A.G. Niedz' December 4, 2002 letter providing the Board with a certification with attached exhibits which he intends to move into evidence; and D.A.G. Niedz' letter brief dated December 5, 2002.

Also enclosed was Mr. LaBue's December 6, 2002 letter to Executive Director Roeder referencing the exhibits that were attached to D.A.G. Niedz' December 3, 2002 Certification which were not relied on when the Provisional Order of Discipline (POD) was issued, and further, were not noticed in Mr. Niedz' letter of November 22, 2002. Mr. LaBue requested that these documents be stricken from the material provided to the Board and stated that to utilize them would constitute unfair surprise and a denial of due process to Dr. Kaul's defense. Also enclosed was a December 6, 2002 letter from Mr. LaBue which included a Notice of Motion and Request for Oral Argument. Mr. LaBue requested that the Board strike Dr. Kaul's answers to the Board's Demand for Statement Under Oath, to strike D.A.G. Niedz' December 3, 2002 Certification and attached exhibits, and to dismiss with prejudice the September 20, 2002 POD concerning Dr. Richard Kaul.

Also enclosed were the Board's December 11, 2002 Open Disciplinary Minutes I/M/O Dr. Kaul; the Board's Scheduling Order filed December 20, 2002; D.A.G. Niedz' January 28, 2003 letter advising Ms. Volkert of the documents which he intends to move into evidence at the February meeting; and Ms. Volkert's February 4, 2003 letter outlining this matter and renewing their request to dismiss this matter for the reasons stated in their prior letters and brief submitted, or in the alternative, that a North Jersey Committee of the Board address the issues concerning Dr. Kaul. They anticipate that the hearing will last a few days. Also included was D.A.G. Niedz' response and request for a Scheduling Order dated February 5, 2003.

In addition, a February 6, 2003 letter from D.A.G. Niedz included a Motion which contents are under seal and were provided to the Board in its Closed Agenda packet.

Also included was Ms. Volkert's February 11, 2003 letter requesting additional time to respond to D.A.G. Niedz' February 6, 2003 Motion and requesting a postponement of this matter until the Board's April 9, 2003 meeting.

Although the State had consented to the adjournment, Board President Harrer asked that time be set aside to address any outstanding issues regarding the admissibility of evidence to be introduced.

Accordingly, at the February meeting, the Board requested that the parties introduce the evidence on which it will rely and to advance any objections to the evidence proffered. The Board wanted to render rulings on the admissibility of evidence to facilitate final decision-making in April.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADJOURN THIS MATTER BASED ON THE SCHEDULING ORDER AGREED TO BY THE PARTIES. A MORE DETAILED FORM OF ORDER TO FOLLOW.**

**1:00 p.m. - GOOBERMAN, Lance L., M.D. (Counseling Deputy: JOYCE)**

**John S. Sitzler, Esq., for Dr. Gooberman**

**BRADWAY, David, M.D.0**

**James Grace, Esqs., for Dr. Bradway**

**HARPER, Douglas J., D.A.G., for Complainant**

Matter was set down for hearing in the matter of Lance L. Gooberman, M.D., and David Bradway, M.D. The Board received at its December meeting, the November 15, 2002 Initial Decision of Administrative Law Judge Jeff S. Masin. At that meeting, the Board approved a Scheduling Order for the filing of Exceptions and responses and scheduled the hearing for consideration of this matter for February 19th. (The requisite extensions of time have been obtained from the OAL to permit the Board until March 30 to finalize this matter.)

This matter was initiated based upon a Complaint filed October 1, 1999 alleging that between 1995 and 1999 Doctors Gooberman and Bradway engaged in acts of gross malpractice, repeated gross malpractice, professional negligence, professional incompetence and professional misconduct. Respondents filed answers to the initial Complaint. Thereafter, an Amended Complaint was filed June 22, 2000; a Second Amended Complaint was filed on December 19, 2000; a Third Amended Complaint was filed on August 23, 2001; and a Fourth Amended Complaint was filed on February 28, 2002.

To enable the Board to have sufficient time to review the voluminous record, exceptions and responses had been sent to the members as soon as they were received in the Administrative Office. Therefore, under separate cover, the members have received:

- 1) the Exceptions filed January 13, 2003 on behalf of complainant Attorney General to the Administrative Law Judge's Initial Decision and Appendix in support thereof;
- 2) the Exceptions filed January 14, 2003 by Mr. Sitzler on behalf of Dr. Gooberman; and
- 3) the Reply and Supplemental Appendix filed January 21, 2003 on behalf of Complainant Attorney General.

By letter of January 24, 2003 (enclosed), Complainant Attorney General moved to supplement the record in this matter, specifically seeking the inclusion of a certification of Dr. Richard Hamilton and article attached to that certification. As of February 12, no reply to that motion from either respondent had been received by the Board office.

A request for an adjournment was made by Dr. Bradway on January 28, 2003. In his letter Dr. Bradway indicated that since the end of the testimonial phase of the case, he has been proceeding pro se. By his letter Dr. Bradway stated that he had not had enough time (30 more days) to respond or "bring an attorney on board." D.A.G. Harper submitted a February 7, 2003 response addressed to Board

President Harrer, offering no objection to the adjournment of the matter.

In consultation with Dr. Harrer, it was determined to grant Dr. Bradway's request, in part. Steps were undertaken to arrange for a special hearing date to bring the entire case to conclusion. A quorum of the Board will meet on March 5, 2003, beginning at 10:00 am in the Morris Room at 124 Halsey Street in Newark. On March 5, the Board will hear argument on exceptions and thereafter conduct its deliberations. Should the Board determine that basis exists to impose penalty, it will proceed directly to the liability phase and consider evidence in mitigation of penalty.

(On the day after the determination was made to grant Dr. Bradway's request, in part, Dr. Bradway, through new counsel, James Grace, Esq., did make a submission to the Board. (At the time that this agenda was being prepared, it could not be confirmed that a copy had been delivered to the Attorney General.) Although with Dr. Bradway's reply, the Board could have proceeded to finalization at this meeting, counsel for Dr. Gooberman had been advised by the counseling deputy on February 12 that it is likely the Board would not proceed to conclusion on February 19th. In reliance on that advice, it is believed that he cancelled flight arrangements for a mitigation witness. In fairness to Dr. Gooberman, the Board will not finalize the matter on the 19th.)

To facilitate the final phase, now scheduled for March 5, the Board will utilize the time set aside at this meeting to deal with two preliminary issues. Counsel have been advised, by letter of February 14, 2003 (enclosed) of the issues to be addressed. To the extent that written materials are to be offered to support arguments on these issues, counsel and Dr. Bradway have been directed to bring 22 copies.

The following issues were to have been addressed at the February 19, 2003 meeting included, 1) The Attorney General's Motion to Supplement the Record; and 2). What is the controlling law for purposes of a) establishing a basis for discipline and b) providing penalties and other available remedies?

Also enclosed were a February 12, 2003 letter from Dr. Bradway, his Reply to State's Reply to Exceptions, and Reply and Supplemental Appendix on his behalf, both filed February 13, 2003.

On the onset of the discussion, the Attorney General withdrew its Motion to supplement the record in this matter, which specifically sought the inclusion of a certification of Dr. Richard Hamilton and article attached to that certification.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADJOURN THIS MATTER UNTIL MARCH 5, 2003.**

## **OLD BUSINESS**

**1. JUAN, Felipe T., M.D., License #27260  
DOUGHERTY, James W., Esq., for Respondent  
WARHAFTIG, Jeri, D.A.G.**

In accordance with the enclosed Consent Order filed in the matter of Dr. Juan on October 12, 2001, Dr. Juan had agreed to successfully obtain Board certification in bariatrics or, alternatively, suspend his bariatric practice. When Dr. Juan failed to achieve Board Certification as a result of the October 2001 exam, he suspended his bariatric practice. Enclosed were D.A.G. Warhaftig's February 11, 2003 memo to the Board and Mr. Dougherty's February 5, 2003 letter attaching correspondence dated January 28, 2002, addressed to Dr. Juan from the American Board of Bariatric Medicine informing him of his successful completion of both the oral and written sections of the 2002 Board Certification Examination. Mr. Dougherty points out that in order for Dr. Juan to satisfy the on-site patient care evaluation portion of the Board Certification requirements, he must resume his bariatric practice. The Attorney General does

not oppose restoration of Dr. Juan's bariatric privileges and requests Board guidance. Also enclosed for Board information were Executive Director Roeder's letter dated July 19, 2002 and Mr. Dougherty's response dated July 29, 2002 with attachments.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RESTORE DR. JUAN'S PRIVILEGES TO PRACTICE BARIATRIC MEDICINE TO SATISFY THE ONSITE PATIENT CARE EVALUATION AS REQUIRED BY THE AMERICAN BOARD OF BARIATRIC MEDICINE CERTIFICATION REQUIREMENTS. HE WILL BE REQUIRED TO SUBMIT FIVE BARIATRIC PATIENT RECORDS FOR DR. GLUCK'S REVIEW ON THE FIRST OF EACH MONTH WITH FOLLOW-UP RECORDS FOR THE SAME PATIENTS ON A MONTHLY BASIS UNTIL HE ACHIEVES BOARD CERTIFICATION. IN THE EVENT THAT A PATIENT DROPS OUT, A NEW PATIENT SHOULD BE SUBSTITUTED.**

**2. KALANI, Ghanshyam, M.D., License #57961 (Without Appearance)  
LaBUE, Anthony F., Esq., for Respondent  
EHRENKRANTZ, Kay, D.A.G.**

A Final Order of Discipline was filed by the Board on December 12, 2001, which revoked Dr. Kalani's license to practice medicine and surgery in this State. The Board, at its June 12, 2002 meeting, denied Mr. Labue's request to set aside its December 12, 2001 Final Order of Discipline and reinstate the March 15, 2001 Provisional Order of Discipline, while Dr. Kalani's Motion to Vacate his Conviction and Sentence was pending in Federal Court in the Southern District of New York. Therefore, the December 12, 2001 Final Order remains in effect.

The Board received, as an off-agenda item at its October 9, 2002 meeting, the enclosed September 13, 2002 letter from Mr. LaBue requesting a hearing based on the decision of In the Matter of the License of Andrew T. Fanelli. Dr. Kalani requested that he be afforded the opportunity to address the question of moral turpitude, the relationship between his actions and his practice, and that he be allowed to present evidence in mitigation. Upon review of this letter and the enclosed September 20, 2002 letter from D.A.G. Pham, the Board, at its October 9, 2002 meeting, voted that Mr. LaBue brief the issues on which he was requesting a hearing and, after the Board's review of the submission, the Board would decide whether or not to grant a mitigation hearing. Enclosed was Susan Fruchtman's January 10, 2003 letter brief on behalf of Dr. Kalani and D.A.G. Ehrenkrantz' February 4, 2003 response to the brief with exhibits A through G. Note: Exhibit A contains the Final Order of Discipline filed December 12, 2001. Based on the submissions, the Board was asked to consider whether Dr. Kalani should receive a hearing and what issues should be heard if the Board grants such a hearing.

The Board voted to go into Executive Session for the advice of counsel. Deputies, other than counseling staff, left the room, along with all other members of the public present.

The Board returned to open session with all members of the public present and announced the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. KALANI'S REQUEST FOR A HEARING ON THE CORE FACTS, BUT GRANTED A LIMITED MITIGATION HEARING BEFORE A COMMITTEE OF THE BOARD. THE BOARD FURTHER REQUESTED THAT THE PARTIES EXCHANGE WITNESS LISTS AND TO STIPULATE TO OTHER EVIDENTIARY MATTERS. UPON APPLICATION BY THE PARTIES, THE BOARD PRESIDENT WILL BE AVAILABLE TELEPHONICALLY TO RESOLVE ANY DISPUTES AMONG THE PARTIES. WITHIN FORTY-FIVE DAYS, THE PARTIES ALSO ARE TO BRIEF THE ISSUES AS TO MITIGATION OF PENALTY AND THE RELATIONSHIP BETWEEN HIS ACTIONS AND HIS PRACTICE.**

**3. LEVINE, Benjamin, M.D. (Prior Counseling DAG: JOYCE)  
DICK, Sandra Y., D.A.G.**

Mr. Walsh recused from discussion and vote in this matter and left the room.

A Complaint was filed May 2, 1996 in the matter of Dr. Levine which alleges Dr. Levine's failure to make payments on the penalties and costs previously assessed by prior Board Orders. The Complaint is still pending. A Certificate of Debt was filed with the Court on May 16, 1995, Docket #DJ114435-95, which listed \$20,000 costs plus 8% Interest. A review of the Administrative Office files indicate the \$20,000 in costs assessed with interest, if it had been paid off by June 30, 2001, totaled \$39,998 owed. The Board, at its November 14, 2001 meeting, reviewed the enclosed September 13, 2001 letter from Dr. Levine along with an Affidavit verifying that he is not the owner of the house at 6 Wedgewood Court, East Brunswick, NJ and that the Certificate of Debt used to obtain the lien shall be considered false because it certified that he is the owner. The Certificate of Debt filed with the Court by the Administrative Office did not list this address. Dr. Levine expected the Board to voluntarily release the lien on this property which he stated was placed in error. This lien is on the house that belongs to his employee, but Dr. Levine is listed as the owner. The Board also received at its November meeting the enclosed November 7, 2001 letter to the Board from D.A.G. Dick and, as a handout, received the enclosed November 9, 2001 Affidavit in Support of Declaratory Action to Remove Lien on Makris House from Kay Makris submitted by Dr. Levine. At its November meeting, the Board voted to deny the release of the lien and the enclosed letter dated November 28, 2001 was sent to Ms. Makris and Dr. Levine by Executive Director Roeder.

Dr. Levine now submitted the enclosed January 22, 2003 letter to D.A.G. Dick requesting reconsideration of the Board's "inappropriate decision" based on new information listed in his letter. His letter also included a deed recorded in Middlesex County that he believes should prove to the Board that he has no monetary and no other interest in or ownership of 6 Wedgewood Court, East Brunswick, NJ. Dr. Levine also submitted an enclosed follow-up letter dated February 6, 2003 urgently requesting the Board to review the documents to determine that the house belongs only to Ms. Makris. He stated he has no financial interest in the house; from 1983 until 2002 he used the house as a tax deduction; and the documents sent reveal that he has no ownership and cannot use the house as a tax deduction. He further stated Ms. Makris paid the deposit to purchase the house and he paid nothing and never owned the house, as Ms. Makris paid all closing costs and deposit. Dr. Levine was willing to attend the meeting if the Board will allow his limited testimony to answer questions or provide sworn testimony that he cannot and will not derive any benefit from the sale of the house. Also enclosed was D.A.G. Dick's February 13, 2003 response to Dr. Levine's request to the Board to reconsider its decision of November 2001 refusing to release the Certificate of Debt filed against a property in East Brunswick, NJ.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. LEVINE'S REQUEST SINCE NO NEW INFORMATION WAS PRESENTED.**

**4. MASTERS, Emma, M.D., License #49217  
LAUFER, Jacob, Esq., for Respondent  
ALBERTSON, B. Michelle, D.A.G.**

A Provisional Order of Discipline (POD) was filed November 15, 2002 which would reprimand the above physician. Enclosed for Board consideration were D.A.G. Albertson's January 13, 2003 letter to the Board; Mr. Laufer's December 12, 2002 response to the POD; and the POD filed November 15, 2002.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REJECT THE COUNTER-OFFER AND FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE.**

**5. NAPOLEON, John J., D.O. (Counseling Deputy: DICK)  
IAVICOLI, Mario, Esq., for Respondent  
KENNY, Paul R., D.A.G.**

As noted on page 14 of the enclosed Final Decision and Order filed November 20, 2002, concerning the certification of the costs of \$35,000 for the investigation of this matter, the Board found the summary certifications to be insufficient and denied the State's application for investigative costs. The Board would entertain a motion for reconsideration, accompanied by a more detailed certification regarding investigative costs submitted by the State within 45 days of the oral announcement of the denial of the application for costs on the record. Respondent had five days for any response in writing. In accordance with this Order, the enclosed Certification of Costs of Acting Supervising Investigator Robert Kern was filed with the Administrative Office on December 26, 2002 and includes the Daily Activity Reports. This matter was to be decided at the January 8, 2003 meeting, but Mr. Iavicoli requested an extension of time in order to respond to the Certification submitted by the Attorney General's Office. The Board adjourned the matter until this meeting. Enclosed was Mr. Iavicoli's February 3, 2003 response objecting to the Certification of Costs submitted.

The Board voted to go into Executive Session for the advice of counsel. Deputies, other than counseling staff, left the room, along with all other members of the public present.

The Board returned to open session with all members of the public present and announced the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT THE CERTIFICATION OF COSTS FOR \$2,409.01 BECAUSE DAILY ACCOUNTINGS WERE SUPPLIED TO DEMONSTRATE THAT THE COST WAS REASONABLE AND APPROPRIATE WITH THE CONTEXT OF THE TIME EXPENDED. THE BOARD, HOWEVER, DENIED THE APPLICATION FOR COSTS IN THE AMOUNT OF \$32,850.90 AT THIS TIME IN LIGHT OF THE ABSENT DOCUMENTATION TO JUSTIFY THESE COSTS.**

**6. PROVISIONAL ORDERS OF DISCIPLINE (PODs)  
PHAM, Jacqueline, D.A.G.  
GARCIA, Alexandra, D.A.G.  
BROWN, Joyce, D.A.G.**

Enclosed were affidavits of service with respect to each of the below listed Provisional Orders of Discipline (PODs). As the chart reflected, in each instances the POD was issued and no response had been received to date. Each matter was subject to finalization 30 days after issuance. The Attorney General seeks the entry of Final Orders of Discipline without modification for the following physicians:

**1. ASHOKAN, Annamalai, M.D. - POD filed November 21, 2002  
(D.A.G. GARCIA)**

**2. ESSER, Aristide H., M.D. - POD filed October 10, 2002  
(D.A.G. GARCIA)**

**3. HICKS, James T., M.D. - POD filed March 25, 2002  
(D.A.G. ALBERTSON)**

**4. TARABISHY, Imad Eddlen, M.D. - POD filed July 26, 2002  
(D.A.G. PHAM)**

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE WITHOUT**

## **MODIFICATION THE ABOVE LISTED PROVISIONAL ORDERS OF DISCIPLINE.**

**7. NASEERUDDIN, Khaja, M.D., License #41882**  
**LABUE, Anthony F., Esq., for Respondent**  
**PHAM, Jacqueline, D.A.G.**

Enclosed were the Provisional Order of Discipline (POD) filed March 15, 2001; Ms. Fruchtman's July 2, 2002 letter with attachments; D.A.G. Pham's July 23, 2002 letter to the Board; Mr. LaBue's letters of August 9 and 19, 2002; the Board's September 11, 2002 Open Disciplinary Minutes concerning the Board granting Dr. Naseeruddin a mitigation hearing before a Committee of the Board; D.A.G. Pham's September 20, 2002 letter to Ms. Fruchtman; and D.A.G. Warhaftig's January 30, 2003 letter to the Board. As noted, it appears that the purpose of the hearing will be to determine if the sanction of revocation expressed in the POD is justified under the circumstances. The Attorney General submits a request for the Board's direction that counsel to the Board schedule a pre-hearing conference to cover the four items listed on page two of D.A.G. Warhaftig's letter.

The Board voted to go into Executive Session for the purpose of seeking advice of counsel. Deputies, other than counseling staff, left the room, along with all other members of the public present.

The Board returned to open session with all members of the public present and announced the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT A HEARING BEFORE A COMMITTEE OF THE BOARD. WITHIN FORTY-FIVE DAYS, THE PARTIES SHOULD RESOLVE ANY STIPULATIONS AND EXCHANGE EVIDENCE AND WITNESS LISTS. IN THE EVENT THERE ARE UNRESOLVED ISSUES, THE BOARD PRESIDENT WILL BE AVAILABLE TELEPHONICALLY UPON APPLICATION BY THE PARTIES. THE FULL BOARD WILL MAKE A FINAL DECISION ON THE PAPERS BASED ON THE COMMITTEE'S RECOMMENDATION.**

**8. SHAFER, Nathaniel, M.D.**  
**KELTON, Michael S., Esq., for Respondent**  
**ALBERTSON, B. Michelle, D.A.G.**

Enclosed were D.A.G. Albertson's February 4, 2003 letter to the Board, Mr. Kelton's January 16, 2003 letter to Executive Director Roeder, and the Final Order of Discipline filed November 25, 2002 in the matter of Dr. Shafer. Dr. Shafer requested reconsideration of the Final Order of Discipline filed in this Sister-State matter.

**THE BOARD, UPON MOTION MADE AND SECONDED, IN RECONSIDERING THIS MATTER, VOTED TO DENY DR. SHAFER'S REQUEST FOR AMENDMENT AND RATIFIED ITS PRIOR DECISION TO FILE THE FINAL ORDER OF DISCIPLINE.**

**9. WHITE, Sanford, M.D.**  
**MANTEL, Donna Lee, Esq., for Respondent**  
**BEY-LAWSON, Hakima, D.A.G.**

Enclosed for Board review were the October 31, 2002 Consent Order in the matter of Dr. White; Ms. Mantel's January 16 and 17, 2003 letters to D.A.G. Bey-Lawson; D.A.G. Bey-Lawson's January 17, 2003 letter to Ms. Mantel; and Ms. Mantel's January 31, 2003 letter. In accordance with #4 of the Consent Order, Dr. White shall be required to have a Board-approved chaperone present whenever he examines a female patients for at least the duration of the one-year probationary period. Such chaperone shall indicate his/her presence by initialing the patient chart for each examination. Counsel

has submitted the name of Denise Rauber, L.P.N., to be Dr. White's Board-approved chaperone. As the Order is written, it is believed that the chaperone is also required in the hospital setting. D.A.G. Bey-Lawson requests that the Board consider the suggestions noted in the first paragraph of her January 17, 2003 letter and the correspondence submitted.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT THE RECOMMENDATION THAT THE BOARD APPROVED CHAPERONE IS NOT NEEDED IN THE HOSPITAL SETTING BECAUSE HOSPITAL POLICY REQUIRES THAT A CHAPERONE BE PRESENT. THE BOARD, HOWEVER, IS REQUIRING THAT THE PERSON PRESENT DURING THE EXAMINATION IN THE HOSPITAL SETTING INITIAL THE PATIENT CHART TO INDICATE THAT A CHAPERONE WAS PRESENT.**

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There being no further business of the Board concerning OPEN DISCIPLINARY MINUTES in open session, the Board voted to continue with the meeting concerning Matters Pending Litigation and Disciplinary Action in closed session.

Respectfully submitted,

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Glenn Farrell, Esquire  
Vice-Chairperson for  
Open Disciplinary Matters

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