

**NJ STATE BOARD OF MEDICAL EXAMINERS
OPEN DISCIPLINARY MINUTES**

- MAY 9, 2001

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, May 9, 2001 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor, Conference Center, Trenton, New Jersey for OPEN DISCIPLINARY MINUTES, open to the public. The meeting was called to order by William B. Harrer, M.D., B.L.D., Chairperson for Open Disciplinary Matters.

PRESENT

Present were Board Members Chen, Criss, Desmond, Farrell, Haddad, Harrer, Huston, Lucas, Patel, Perry, Ricketti, Robins, Rokosz, Trayner, Walsh and Wallace.

EXCUSED

Board Members DiFerdinando, Reid and Weiss.

ALSO PRESENT

Deputy Attorneys General Dick, Flanzman, Gelber, Joyce, Kenny and Levine; Executive Director Roeder and Medical Director Gluck, New Jersey State Board of Medical Examiners.

RATIFICATION OF MINUTES

The Minutes from the April 20, 2001 Board meeting were approved with clerical changes.

OLD BUSINESS

1. BROSH, Michael, A.T., Pro se (Without Appearance) DICK, Sandra Y., D.A.G. (Counseling Deputy: JOYCE)

A Provisional Order of Denial of Licensure as an Athletic Trainer to Michael Brosh, and providing that no reapplication would be considered for a period of five years, was entered by the Board on February 22, 2001. Enclosed for Board consideration were D.A.G. Dick's April 26, 2001 letter to the Board; Mr. Brosh's letter received April 5, 2001; and the February 22, 2001 Provisional Order of Denial of Licensure with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER DENYING REGISTRATION WITH A FINAL ORDER OF DISCIPLINE.

2. GLASS, Neal R., M.D. (Counseling Deputy: DICK) (Without Appearance) GRAFF, Douglas E., Esq., for Respondent PHAM, Jacqueline, D.A.G.

A Provisional Order of Discipline (POD) was filed by the Board on October 4, 2000, which would impose an indefinite period of suspension upon Dr. Glass' New Jersey license until such time as he can demonstrate that he has fully complied with the terms of the Ohio Order. Enclosed for Board consideration were D.A.G. Maloney's March 12, 2001 letter to the Board; Mr. Graff's October 30, 2000 letter with attachments; the October 4, 2000 POD with attachments; and D.A.G. Joyce's April 11, 2001 letter to Mr.

Graff.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE WITH THE AMENDMENT THAT DR. GLASS WILL RECEIVE A THREE-YEAR STAYED SUSPENSION TO BECOME A PERIOD OF PROBATION, BUT BEFORE DR. GLASS IS PERMITTED TO PRACTICE IN NEW JERSEY, HE MUST APPEAR BEFORE A COMMITTEE OF THE BOARD TO DEMONSTRATE HIS COMPLIANCE IN ALL ASPECTS OF THE OHIO ORDER, AT WHICH TIME THE BOARD WILL HAVE THE RIGHT TO IMPOSE ADDITIONAL RESTRICTIONS. DR. GLASS WOULD ALSO BE REQUIRED TO PAY ALL THE FEES IN ORDER TO BRING HIS REGISTRATION UP TO DATE.

3. NWANNA, Romanus O., M.D. (Without Appearance)

MANDEL, Pamela, Esq.

VALERA-SCHUTZ, Beatriz, D.A.G.

In accordance with the Consent Order filed August 24, 2000, Dr. Nwanna shall enroll in and satisfactorily complete within the two years of his suspension, at his own expense, 48 hours of continuing medical education courses in high-risk pregnancy. The courses are to be approved by the Board. The Board received for review the August 24, 2000 Consent Order and Ms. Mandel's correspondence received via fax on April 26, 2001, providing information on a continuing medical education course in High Risk Pregnancy. The course is entitled -Antepartum & Intrapartum Management to be held in San Francisco, California June 14 - 16, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE DR. NWANNA ATTENDING THIS PROPOSED COURSE.

4. PRAVETZ, Michael J., M.D. (Counseling Deputy: FLANZMAN)

LEWIS, Brenda Talbot, D.A.G. (Without Appearance)

The Board received for review the Final Order Adopting Provisional Order of Discipline and Revoking Licensure filed by the Board on December 28, 2000. Enclosed for Board consideration were D.A.G. Lewis' April 10, 2001 letter to the Board with attachment; Executive Director Roeder's March 28, 2001 letter to Dr. Pravetz and D.A.G. Lewis; and Dr. Pravetz' January 16, 2001 letter with attachments.

The Board voted to go into executive session for advice of counsel. The Board returned to open session and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO STAY THE FINAL ORDER ADOPTING THE PROVISIONAL ORDER OF DISCIPLINE AND REVOKING LICENSURE AND GRANT DR. PRAVETZ AN APPEARANCE BEFORE THE PRELIMINARY EVALUATION COMMITTEE.

ADMINISTRATIVE OFFICE ITEM NOT ON AGENDA

1. BAIRD, David B., M.D., Lic. #29835 (Prior Counseling Deputy: FLANZMAN)

LEWIS, Brenda-Talbot, D.A.G. (Without Appearance)

In accordance with an Order granting limited reinstatement of licensure filed June 23, 2000, prior to resuming any practice in New Jersey, Dr. Baird must first advise the Board of his practice intentions and provide the Board with a written summary setting forth information concerning the type of practice he anticipates engaging in and the supervision arrangements that will be in place. He may not commence any practice of medicine unless and until he receives notice from the Board that his practice plan has been approved. The Board received for consideration at its April 20, 2001 meeting a March 23, 2001 letter from Dr. Baxter of the Physicians' Health Program, and a March 21, 2001 letter from Dr. Baird which included a

November 28, 2000 letter from Dr. Baxter, a certificate of liability insurance, a March 15, 2001 letter from Rev. Bruce Borgard, Assistant Pastor, Morning Star Fellowship, and a letter dated March 18, 2001 from Jim and Eva Johnson of Marriage Ministries International. The Board also received for consideration at its April meeting D.A.G. Lewis' April 6, 2001 letter to the Board and the June 23, 2000 Board Order. In addition, the Board had received as a handout at its April 20, 2001 meeting an April 12, 2001 letter to Medical Director Gluck from James M. Pedigo, M.D., informing Dr. Gluck that Dr. Baird plans to increase the frequency of his visits to two times each week on Mondays and Thursdays for thirty minutes each session.

At its April 20, 2001 meeting, the Board voted to reject the proposal submitted by Dr. Baird. The Board based its decision on Dr. Baird's failure to have complied with the terms and conditions of paragraph 5 of the Order of Limited Reinstatement entered on June 23, 2000. Pursuant to said paragraph, the reinstatement of Dr. Baird's licensure was specifically conditioned on the requirement that he engage, at a minimum, in twice weekly psychotherapy sessions, either with a psychiatrist specializing in psychotherapy or a psychologist. The Board noted that while Dr. Baird stated in his March 21, 2000 letter that he started seeing Dr. Joseph Pedigo at the Joseph J. Peters Institute in Philadelphia in October 2000, he stated that he did not see Dr. Pedigo in December 2000 or in January and February 2001. Further, while Dr. Baird stated that he has resumed sessions with Dr. Pedigo as of March 16, 2001, he stated that he planned to see him only on a weekly basis. Based on Dr. Baird's own letter, it appeared apparent to the Board that Dr. Baird had failed to comply with the conditions imposed upon him in the Order of Limited Reinstatement.

The Board stated that it would only consider approving any practice proposal Dr. Baird may submit (consistent with the requirements set out at paragraphs 2, 3 and 4 of the Limited Order of Reinstatement) at such time as he can demonstrate that he is in compliance with all terms and conditions of the Order of Limited Reinstatement entered June 23, 2000. Should Dr. Baird wish the Board to consider any practice proposals in the future, he must immediately commence twice weekly psychotherapy sessions as required by the terms of said Order.

Medical Director Gluck, on behalf of Dr. Baird, asked the Board to reconsider its April 20, 2001 decision.

THE BOARD, UPON MADE AND SECONDED, VOTED THAT THIS MATTER BE PRESENTED TO THE FULL BOARD NEXT MONTH.

REPORT OF NEW COMPLAINTS FILED

1. CAROLINO, JEROME J., Jr., M.D., License #MA64430 (Jersey City, NJ)

Complaint filed April 11, 2001 alleging gross/repeated malpractice, negligence, incompetence and failure to prepare an appropriate patient record.

2. DAVIT, Samuel, M.D., License #61693 (Cliffside Park, NJ)

Complaint filed April 19, 2001 alleging grossly incompetent and/or fraudulent testing; unnecessary, incompetent and/or fraudulent reporting of studies; missed diagnoses; testing performed or claimed which was medically unnecessary and/or which was misinterpreted.

3. FELDNER, Edward S., M.D., License #55003 (Little Falls, NJ)

Complaint filed April 17, 2001 alleging that Respondent's blatant disregard for the authority of the Board, demonstrated by his breach of the Voluntary Consent Order, constitutes professional or occupational misconduct in that Respondent has failed to comply with a previous Order of the Board. The Complaint further alleges that Respondent engaged in the unlicensed practice of medicine.

REPORT OF INTERIM AND FINAL ORDERS FILED WITH THE BOARD

1. ATANASIO, Joseph F., M.D., License #MA30835 (Maplewood, NJ)

CONSENT ORDER filed April 6, 2001. In October 2000, Dr. Atanasio appeared before a Committee of the Board to discuss his professional practice and his compliance with the April 9, 1998 Consent Order which reinstated his license with restrictions. Dr. Atanasio was seeking a reduction in those restrictions. The Board ordered that Dr. Atanasio's license to practice medicine and surgery in the State of New Jersey remain subject to the restrictions set forth in this new Consent Order. He must maintain absolute abstinence from alcohol and all mood-altering substances unless prescribed by a treating physician for legitimate illness. Any medications ingested pursuant to a legitimate prescription must be reported to his monitor within 24 hours as specified. In no event shall he consume medication obtained pursuant to a prescription issued by Dr. Miriam Atanasio a/k/a Miriam Borton. He is to participate in a monitoring program, with a Board-approved monitor, which includes psychotherapy, random urine monitoring, attendance at Alcoholics Anonymous meetings. The monitor must report quarterly to the Board regarding the nature and quality of Dr. Atanasio's participation as well as the status of psychotherapy and report to the Board within 24 hours any indication that Dr. Atanasio has relapsed into the consumption and/or abuse of alcohol or other substances. In no event shall any provision of this Order be unilaterally terminated absent further Order of the Board. Dr. Atanasio must appear before a Committee of the Board no sooner than one year from the entry of this Consent Order to discuss his compliance with the terms of the Order and renew his application for a reduction in the licensure restrictions. EFFECTIVE DATE: April 6, 2001

2. CARAGINE, Paul J., Jr., M.D., License #28394 (Kinnelon, NJ)

FINAL DECISION AND ORDER filed April 3, 2001. The Board had previously taken action against Dr. Caragine's license to practice medicine and surgery in the State of New Jersey based on separate unrelated conduct involving improper prescribing of controlled dangerous substances. The Verified Complaint in this matter alleged in seven counts that Dr. Caragine had improperly touched seven patients, which touching was sexually motivated and unrelated to legitimate medical practice. An Interim Order entered November 25, 1998 temporarily limited Dr. Caragine's licensure privileges and the matter was transmitted to the Office of Administrative Law for hearing. The Board adopted in its entirety the Findings of Fact and Conclusions of Law of the Administrative Law Judge and ordered that effective March 21, 2001, Dr. Caragine's license to practice medicine and surgery in the State of New Jersey be revoked. He may not apply for reinstatement of licensure for a minimum of five years from the effective date of this Order. He was assessed at second offense penalty status of \$5,000.00 for each of the eleven patient offenses totaling \$55,000.00. EFFECTIVE DATE: March 21, 2001

3. CHHABRIA, Rattan D., M.D., License #30595 (Glen Ridge, NJ)

CONSENT ORDER filed April 26, 2001. The Board received information that Dr. Chhabria, through his business involvement and affiliations with Body Wise International, Inc., engaged in direct sales of Body Wise products, including vitamins and supplements considered to be "medication" which violated regulations of the Board. The Board considered these regulatory infractions to be significant, but recognized the novel nature of these issues relating to the organized distribution of vitamin and food supplements as it pertains to compliance with Board regulations. The Board ordered and Dr. Chhabria agreed to cease and desist from engaging in the sale and/or distribution of Body Wise products, insofar as such sale and/or distribution constitutes a violation of statute and regulation. He may continue to receive commissions for sales that emanate from the Body Wise Personal Sales Groups over which he has been accorded the title of "Manager." Within thirty days of entry of this Order, he must provide a list to the Board of all Board-licensed physicians known by Respondent who continue to participate in the Body Wise distribution framework in a manner violative of the Board's statutes and regulations. Within twelve months, he must take and successfully complete a medical ethics course approved in advance by the Board. He must also pay investigative costs of \$472.95. EFFECTIVE DATE: April 26, 2001

4. FRIEDMAN, Harold S., M.D., License #18257 (Cherry Hill, NJ)

CONSENT ORDER filed April 3, 2001. The Board received information that Dr. Friedman routinely permitted his employee, a Registered Nurse, to sign his name on prescriptions and patient records and to write progress notes, physician's orders and discharge summaries independent of any review by Dr. Friedman. Further, it was alleged that the nurse made rounds at the hospital independent of Dr. Friedman. Dr. Friedman testified before a Committee of the Board that the nurse had been employed in his practice for approximately 22 years and was an integral part of his practice. The Board recognized his confidence in his nurse and appreciation for her capabilities. Nonetheless, the doctor's conduct created the potential for errors. The Board ordered that Dr. Friedman be reprimanded for aiding and abetting the unlicensed practice of medicine and assessed investigative costs in the amount of \$4,012.81. EFFECTIVE DATE: April 3, 2001

5. JASMIN, Frantz, M.D., License #48880 (Bronx, NY)

CORRECTED FINAL ORDER OF DISCIPLINE filed March 6, 2001. The Provisional Order of Discipline and the original Final Order of Discipline filed February 26, 2001 inadvertently indicated that Dr. Jasmin's conviction occurred on January 27, 2000, the date on which the New York Determination and Order was signed. The Judgment in the Criminal Case reflecting the conviction actually was filed on July 16, 1998. The Final Order of Discipline filed February 26, 2001 suspended Dr. Jasmin's license to practice medicine and surgery in the State of New Jersey for two years or until such time as he is able to demonstrate he has fully complied with the terms of the New York Order. Prior to any New Jersey practice, he must appear before a Committee of the Board to demonstrate his fitness to practice. Any practice prior to such appearance shall constitute grounds for a charge of unlicensed practice. The Board reserves the right to place restrictions on his license should it be reinstated. EFFECTIVE DATE: February 26, 2001

6. KOLLMER, W. Lance, MD, License #45251 (West Orange)

CONSENT ORDER filed April 16, 2001. The Board received information from the Physicians' Health Program (PHP) of the Medical Society that Dr. Kollmer had admitted a relapse into a prior substance abuse problem, voluntarily agreed to cease practice and would immediately enter into in-patient treatment. He wished to voluntarily surrender his license. The Board ordered that Dr. Kollmer immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum of six months from the date of entry of this Order. He must immediately arrange for and complete in-patient treatment for chemical dependence and advise the PHP, the Board, and the Attorney General's Office of the arrangements. Prior to any restoration of licensure, he must appear before a Committee of the Board to discuss his readiness to re-enter the practice of medicine and his proposed plans for practice. At that time, he must provide the Board with reports for every mental health professional who has participated in his care and/or treatment during the period of time from entry into treatment to his appearance. He must also provide a report from the PHP detailing the nature and extent of his participation with that entity. This Order is without prejudice to further action by this Board or other law enforcement entities resulting from his conduct prior to entry of this Order. EFFECTIVE DATE: April 16, 2001

7. STROWHOUER, William J., D.O., License #51475 (Media, PA)

CONSENT ORDER filed April 9, 2001. The Board received information that Dr. Strowhouer had entered into a Consent Agreement with the Maryland Board of Physician Quality Assurance wherein his Maryland license was placed on probation for three years for failure to meet the appropriate standards of medical care. On the basis of this agreement, a Provisional Order of Discipline was filed with the New Jersey Board. Dr. Strowhouer initially objected but has now agreed to entry of this Consent Order wherein the Provisional Order of Discipline would be dismissed and Dr. Strowhouer's license to practice medicine and surgery in the State of New Jersey would be placed on probation for one year. He must obtain fifty credits of continuing medical education, twenty of which shall be in bariatrics. Before practicing in New Jersey, he must appear before a Committee of the Board to demonstrate compliance with the terms of this Order and any Orders in any other jurisdictions. Should he be allowed to resume practice in New Jersey, the Board's Medical Director will conduct chart reviews for one year. EFFECTIVE DATE: April 9, 2001

Additional matters which are not considered public reports were filed with the Board Office.

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,

William V. Harrer, M.D., B.L.D., Chairperson for Open Disciplinary Matters