

**Open Minutes  
New Jersey State  
Board of Medical Examiners  
Disciplinary Matters Pending Conclusion**

July 10, 2002

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, July 10, 2002 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 David M. Wallace, M.D., Chairperson for Open Disciplinary Matters.

**ROLL CALL**

**PRESENT**

Board Members Criss, Desmond, DiFerdinando, Farrell, Harrer, Lucas, Moussa, Patel, Perry, Ricketti, Robins, Rokosz, Trayner, and Wallace

**EXCUSED**

Board Members Chen, Haddad, Huston, Walsh and Weiss

**ALSO PRESENT**

Deputy Attorneys General Baudry, Dick, Ehrenkrantz, Gelber, Joyce, Kenny, Levine, and Warhaftig; Executive Director Roeder and Medical Director Gluck

**RATIFICATION OF MINUTES**

The Minutes from the June 12, 2002 Board meeting were approved with clerical changes.

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

**10:00 a.m. - ASHKAR, Michael G., M.D., License #43615 (Counseling DAG: DICK)  
AMDUR, Richard A., Esq., for Respondent  
BAUDRY, Adriana E., D.A.G., for Complainant**

Order to Show Cause and Verified Complaint filed July 1, 2002 seeking the immediate temporary suspension of Dr. Ashkar's license to practice medicine and surgery in the State of New Jersey based upon allegations of a sexual relationship with his female patient, indiscriminate prescribing of controlled dangerous substances, negligence and professional misconduct. Enclosed are the Order to Show Cause, Certification of Adriana E. Baudry, D.A.G., Verified Complaint and D.A.G. Baudry's letter brief filed July 1, 2002. Also enclosed is Mr. Amdur's July 1, 2002 letter brief and Dr. Ashkar's Answer to the Verified Complaint.

Prior to the hearing, Dr. Wallace noted for the record that Mr. Amdur represented him in a prior malpractice case in which Dr. Wallace was dismissed. He also noted on the record that from 1997 through 2000, Dr. Wallace was the President of the Medical Staff for Monmouth Medical Center, although prior to the hearing, Dr. Wallace had never met Dr. Ashkar. Dr. Wallace did not believe that the prior representation or his position at Monmouth Medical would affect his ability to be impartial in hearing the case or rendering an unbiased decision. No objections were raised concerning his participation.

As a preliminary matter, Dr. Wallace, in response to an issue raised by the Attorney General, instructed the parties to redact the patient and family members' names from their submissions and during oral argument, the

parties were to use initials. The court reporter also was instructed not to include full names in the case of an inadvertent slip.

D.A.G. Baudry opened by explaining that Patient KS presented to Dr. Ashkar in September 2000 requesting a breast augmentation procedure. The procedure was performed sometime during October 2000. Over the next three or so months, KS continued to follow-up with Dr. Ashkar for additional surgeries. In particular, Dr. Ashkar inserted silicone implants. Contrary to the FDA protocol, Dr. Ashkar failed to keep the appropriate documentation, failed to obtain a consent form, and failed to enroll her with the FDA in the program. At the same time that KS was a patient undergoing these procedures, Dr. Ashkar established a personal relationship with KS and her family. Thereafter, in approximately February 2001, Dr. Ashkar and KS began a sexual relationship. During the time of this relationship, KS continued to see Dr. Ashkar for medical reasons and in fact, Dr. Ashkar prescribed CDS for KS. Interestingly, the CDS was not documented in KS' medical records, nor could any medically justifiable reason be shown for the CDS. Furthermore, she continued, Dr. Ashkar prescribed CDS for KS' husband, GS, and for GS' mother. Again, no medical record justifying or recording these prescriptions can be located. GS was not a patient of Dr. Ashkar, but was his golfing "buddy."

Ms. Baudry further argued that the record demonstrates that Dr. Ashkar has admitted to: (1) the sexual relationship, (2) failed to follow the FDA protocol, and (3) offering CDS prescriptions on demand. D.A.G. Baudry opined that these admissions clearly indicated a clear and imminent danger to the public and the Board should revoke his license to practice medicine and surgery. The admissions demonstrated a pattern of dishonesty and poor medical judgment that warranted revocation.

In his opening comments, Mr. Amdur argued that Dr. Ashkar has practiced medicine in New Jersey for close to thirty years, and that this was the only "blemish" on his record. He assured the Board that Dr. Ashkar readily admits this one mistake, takes full responsibility for it, and vows never to allow such behavior to occur again. While Mr. Amdur recognized the Board's obligation to protect the public, he proffered that this one mistake did not rise to a level which warranted a suspension of his license. In the alternative, Mr. Amdur requested that the Board deny the Applications for a Temporary Suspension and permit the case to move forward toward a full, plenary hearing.

D.A.G. Baudry offered the following into evidence, some of which the parties had previously stipulated: SA - the office records of KS; SB - Exhibit "B" to the Verified Complaint, namely KS certification (Respondent objected to the admission because he has not had the opportunity to cross-examine the witness. The Board accepted the exhibit into evidence and would afford it its due weight in deliberation.); SC - Preliminary EC test; SD - Pharmacy profile of KS, pps. 1, 2, 3, 4, 5 of 6 and pp. 3, 4, 5, of 5 of SF; SE - Certification of GS (Respondent objected on the basis that the statement was hearsay. The Board overruled the objection and admitted it into evidence.); and SF- the Pharmacy profile of GS (last two pages of SF).

The Attorney General rested, relying on the evidence admitted as its proof. In his defense, Dr. Ashkar addressed the Board. He began by explaining that this is the first complaint that has been raised against him in his more than thirty years of practice. He went on to ask the Board to recognize this history and conclude that he does not pose a threat to his patients. According to Dr. Ashkar, he recognized that he made a mistake, but urged the Board to believe that he would never repeat it because he has learned from the mistake.

As Dr. Ashkar recalled, the sexual relationship with KS began after she had her second surgery. Although KS provided statements that some of their sexual liaisons occurred in the office, Dr. Ashkar denied these allegations. At the time, KS was coming into the office to help the staff and was volunteering her time. He even recalled that KS' husband encouraged her visits to the office. As time went on, the two became friendlier and friendlier and eventually, their relationship developed into an affair. Dr. Ashkar believed that when the affair began, KS was no longer a patient. The affair ended when KS' husband discovered them at a hotel. He recalled that KS made the reservations and shortly after they arrived at the room, the husband called and was outside the hotel. At the time, he believed that he was being set up by the couple.

He went on to explain that the reason that the CDS prescriptions were not part of KS' medical record was because

he did not believe that she was his patient at that time. He acknowledged that after KS would explain that she was having some pain because of a horseback riding injury, Dr. Ashkar would perform an examination and prescribed the pain medication for a reason. Similarly, the medication prescribed for her husband, GS, according to Dr. Ashkar, was after GS complained that he had pulled a muscle, Dr. Ashkar would examine GS and then write the prescription. He stated that he never wrote a prescription on demand. Dr. Ashkar, however, acknowledged that when he wrote the prescriptions, there should have been the appropriate documentation kept. He realizes this now and asked the Board to continue to let him practice, promising that it would never happen again.

Dr. Ashkar defined the physician/patient relationship, for example, as something that occurs from the first discussion of potential surgery to the time that the patient is finished with any follow-up. He again stressed that he did not believe that there was a physician/patient relationship between himself and KS when the affair began, as well as while the affair continued. Dr. Ashkar was aware that KS previously had seen a psychiatrist, but she assured him that she was not taking any psychotropic medicine while they engaged in the affair. He admitted that KS mentioned that she had been abused as a child, but Dr. Ashkar questioned the veracity of her story. Dr. Ashkar learned of the alleged sexual abuse after the affair began. Dr. Ashkar, while aware that KS had attempted suicide, did not know who prescribed the valium for her. He believed that the suicide attempt occurred after she and her husband engaged in a three way sexual encounter and it became too much for her to bear. Dr. Ashkar was not aware of the Board's regulation or the AMA's position on sexual misconduct.

D.A.G. Baudry countered Dr. Ashkar's argument that he did not consider KS a patient during their period of sexual encounters by referring the Board to the fact that after the affair began, Dr. Ashkar repaired her earlobe, revised a breast scar, provided medical treatment (including prescriptions) for injuries sustained during horseback riding, removed sutures, and performed microdermabrasion to KS. All of these procedures are medical in nature and established an on-going, physician-patient relationship. To the contrary, there was no physician-patient relationship between GS and Dr. Ashkar, yet he prescribed CDS to GS on multiple occasions. It is clear from Dr. Ashkar's own admissions, D.A.G. Baudry argued, that Dr. Ashkar cannot appropriately define the physician-patient relationship.

Concerning his failure to obtain the appropriate consent forms for the second surgery, Dr. Ashkar explained that KS met all the conditions of the underlying protocol. At the time, the nurse that was helping him did not follow the protocols that were in place and eventually, when he realized she was not doing it appropriately, he discharged her. He estimated that he spent about twenty to twenty-five minutes with patients under the FDA study protocol discussing the risks and benefits of the silicone implants, which naturally included discussion on the informed consent. He admitted that he originally charged KS for the procedure, but refunded the money out of fear that the husband would bring the matter to the Board's attention. According to the doctor, KS and her husband requested money from him on two occasions to "keep quiet." He adamantly told the Board that he never offered any money to them for their silence.

In conclusion, Dr. Ashkar assured the Board that he would never repeat any of this behavior and was willing to take whatever steps the Board required. He repeatedly asked the Board not to suspend his license. Dr. Ashkar wanted the Board to realize that he has always had a policy of having a chaperone available for certain examinations and if required, he would be willing to have a nurse with him at all times when seeing patients.

Mr. Amdur concluded by recognizing that the actions of Dr. Ashkar were "stupid". He asked the Board, however, not to impose any disciplinary sanctions. Being "stupid" does not provide the adequate basis to determine that Dr. Ashkar is a threat to the safety and welfare of the public. He opined that if it were, then eighty to ninety percent of the Board's licensees should be disciplined. There was no question, according to Mr. Amdur, that Dr. Ashkar's behavior was stupid and that he made a mistake. He went on, however, to stress that the mistake made by Dr. Ashkar was one in a long career and that Dr. Ashkar does not pose a threat to his patients. He urged the Board to conclude that a temporary suspension was not appropriate and to permit this case to move forward toward a full, plenary hearing on the merits.

D.A.G. Baudry, in conclusion, argued that based on the evidence and testimony presented during the hearing, Dr. Ashkar is absolutely a danger to his patients. The Attorney General has proven, and Dr. Ashkar has admitted, that

he had sexual relations with his patient; that he has prescribed CDS for KS and this was not documented in her medical records; that he prescribed CDS for GS and GS' mother, neither of which were patients of his; and that he failed to follow the protocol demanded by the FDA study. All of these actions, according to D.A.G. Baudry, demonstrate that Dr. Ashkar does not possess the appropriate medical judgment to practice medicine. Accordingly, he is a danger to his patients and the safety and welfare of the citizens of New Jersey. The Board voted to go into executive session. 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 parties present and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT THE ATTORNEY GENERAL'S APPLICATION FOR A TEMPORARY SUSPENSION OF THE LICENSE OF DR. ASHKAR EFFECTIVE ONE WEEK FROM THE DATE OF THE MEETING. THE BOARD WAS PERSUADED THAT DR. ASHKAR HAS DISPLAYED A FLAWED PATTERN OF THE PRACTICE OF MEDICINE AND OF ETHICS. DURING THE WEEK PENDING THE EFFECTIVENESS OF THE ORDER, DR. ASHKAR IS PROHIBITED FROM TAKING ON ANY NEW PATIENTS OR PERFORMING ANY SURGERIES. A MORE DETAILED ORDER WILL FOLLOW.

Mr. Amdur requested an expedited hearing at the Office of Administrative Law, to which the Attorney General's office objected.

The Board voted to go into executive session. 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 parties present and announced that the Board noted that such an application must be made at the Office of Administrative Law and encouraged to parties to jointly make such an application.

## **OLD BUSINESS**

### **1. KING, Constancio Yuzon, M.D., License #23979 PHAM, Jacqueline, D.A.G.**

A Provisional Order of Discipline (POD) was filed January 28, 2002 which would revoke the above physician's license. In the alternative, Respondent may voluntarily surrender his license. Enclosed for Board consideration are D.A.G. Pham's March 26, 2002 letter to the Board, Dr. King's February 12, 2002 response with attachments, and the POD with attachments filed January 28, 2002.

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

### **2. SCOTT, Gerald Alan, M.D. GORRELL, Joseph M., Esq., for Respondent KEARNS, Anthony P., III, D.A.G., for Complainant**

In accordance with the enclosed Consent Order filed March 4, 2002 in the matter of Dr. Scott, Dr. Scott shall enroll in and successfully complete a recordkeeping course approved by this Board within six months of the entry of this Consent Order. Mr. Gorrell has submitted the enclosed June 10, 2002 letter attaching the registration completed by Dr. Scott to take the Medical Recordkeeping Symposium offered by William Vilensky, D.O., on September 27, 2002. Board approval of Dr. Scott to take this course is requested.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE COURSE.

Dr. Robins recused from discussion and vote in this matter and left the table.

**3. GRASSO, Armand J., M.D. (Counseling Deputy: LEVINE)  
GORRELL, Joseph M., Esq., for Respondent  
WARHAFTIG, Jeri, D.A.G., for Complainant**

Enclosed was Mr. Gorrell's July 2, 2002 letter requesting a stay of the Order issued by the Board on June 12, 2002, pending appeal.

Dr. Robins recused from discussion and vote in this matter and left the room.

This matter was before the Board upon an application of a stay of the Board's June 12, 2002 Order. There was an informal request made by Mr. Gorrell for oral argument. While the Board acknowledged that oral argument in an application such as this is generally not granted, the Board afforded the parties five minutes for oral argument.

Mr. Gorrell argued that a stay in this matter was appropriate because the appeal may take well over a year, and if the appeal is granted, then in effect Dr. Grasso would have been suspended for the year unfairly. In essence, not granting the stay, would deny Dr. Grasso his fundamental right of appeal since the appeal more than likely will be decided after Dr. Grasso has completed the suspension. While no harm will be created in granting the stay, Mr. Gorrell argued that irreparable harm to Dr. Grasso will be the natural effect of a denial. The cases at issue are more than ten years old. During the intervening time, Dr. Grasso has attempted, and in many ways has been successful, in rebuilding his life and practice. There were not issues of clinical competency in the underlying matter. To deny Dr. Grasso the opportunity to continue to practice pending the appeal would be patently unfair and a denial of his due process at law.

Mr. Gorrell concluded by suggesting that the Attorney General's argument that the appeal will likely be unsuccessful is without merit. Mr. Gorrell strongly believed that the appeal would be granted.

D.A.G. Warhaftig, in rebuttal, argued that Dr. Grasso would not prevail in his appeal. She reminded the Board that there is a four-part standard against which the decision to grant the stay must be judged. Dr. Grasso has the burden to prove to the Board that there was a likelihood on the merits that the Board's decision will be overturned; that irreparable injury would occur absent the stay; that his claim is well established; and that no adverse interest would affect the public in granting the stay. The Attorney General's office submitted that Dr. Grasso has not met any of these standards in his application. For example, the only irreparable injury which Dr. Grasso claims he will experience is that of an economic harm. This type of harm is not sufficient to meet his burden of proof. Additionally, the Board was reminded of its obligation to protect the public. While Mr. Gorrell attempted to rely on the "age" of the matters, D.A.G. Warhaftig reminded the Board that some of the actions of the underlying case were as recent as 1999 when he lied on his biennial renewal form for renewed licensure.

While D.A.G. Warhaftig urged the Board to deny the stay, she requested that if the Board were inclined to grant it, then at a minimum she requested that a chaperone and/or monitor be put in place to protect the citizens of the State of New Jersey.

The Board voted to go into executive session. 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 parties present and announced the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE APPLICATION FOR A STAY IN THIS MATTER.**

It was noted that Dr. Moussa abstained from vote on this motion.

**INFORMATIONAL**

**1. HINDI, Adib B., M.D. GELBER, Joan D., D.A.G**

Enclosed is a Superior Court of New Jersey, Appellate Division Decision of June 19, 2002, affirming a settlement that was before the Board involving the costs and penalties.

## **REPORT OF NEW COMPLAINTS FILED**

### **1. ASHKAR, Michael G., M.D., License #43615 (Eatontown, NJ)**

Verified Complaint filed July 1, 2002 alleging a sexual relationship with his female patient, indiscriminate prescribing of controlled dangerous substances, negligence and professional misconduct.

## **REPORT OF INTERIM AND FINAL ORDERS FILED WITH THE BOARD**

### **1. BECK, Allan G., M.D., License #26458 (Waterford, NJ)**

FINAL ORDER OF DISCIPLINE filed June 28, 2002. The Board received information that Dr. Beck's license to practice medicine and surgery in the Commonwealth of Pennsylvania had been indefinitely suspended based on his failure to respond to their Petition to Compel Mental and Physical Examination. Based on the above action, a Provisional Order of Discipline was filed with this Board on February 5, 2002. The Board ordered Dr. Beck's license to practice medicine and surgery in the State of New Jersey be suspended until he demonstrates he holds an unrestricted Pennsylvania license. Prior to resuming active practice, Dr. Beck must appear before a Committee of the Board to demonstrate fitness. Practice prior to appearance shall constitute grounds for a charge of unlicensed practice. EFFECTIVE DATE: June 28, 2002

### **2. BRAUNSTEIN, Philip, MD, License #26560 (Irvine, CA)**

CONSENT ORDER filed June 13, 2002. Dr. Braunstein shall immediately surrender his license to practice medicine and surgery in the State of New Jersey. Said surrender to be with prejudice to seeking any future reinstatement. This action was based on the surrender of his California license after indiscriminate prescribing of controlled dangerous substances for friends, failure to keep medical records and lack of knowledge regarding the medical indication for use of this controlled substance. He subsequently surrendered his license to practice medicine in the State of New York. EFFECTIVE DATE: June 13, 2002

### **3. CAPOBIANCO, Leo J., D.O., License #MB 62246 (Las Vegas, Nevada/ Randolph, NJ/Verona, NJ)**

FINAL ORDER OF DISCIPLINE filed June 13, 2002. Dr. Capobianco's license to practice medicine and surgery in the State of New Jersey is revoked. This action is based upon his guilty plea to one count of conspiracy to defraud the US and two counts of health care fraud in the US District Court, Southern District of New York and the surrender of his New York medical license. A Provisional Order was filed with this Board to which Dr. Capobianco responded. He did not dispute the guilty plea, but submitted mitigating factors. The Board reviewed the submissions and determined no further proceedings were necessary in that no material discrepancies had been raised. The Board ordered his license be revoked. EFFECTIVE DATE: June 13, 2002

### **4. CHOY, Peter Victoranio, M.D., License #32819 (Miami, FL)**

FINAL ORDER OF DISCIPLINE filed June 13, 2002. The Board received information that Dr. Choy entered into an Order with the New York State Department of Health wherein he surrendered his license to practice medicine in New York. He agreed not to contest the charges that he had willfully submitted applications to insurance companies in which he falsely represented he was certified by the American Board of Internal Medicine to be a diplomat in the specialty of Internal Medicine. Based on the New York action, the Arizona Board issued a Letter of Reprimand. A Provisional Order was filed with this Board on September 17, 2001 based on the New York action. Dr. Choy responded through counsel stating the matter was a misunderstanding which occurred when his medical assistant incorrectly stated he was Board certified. She provided an affidavit which stated she had erroneously believed that a FLEX certificate was equivalent to a Specialty Board certification. His position was he had signed the Agreement with New York with no admissions of any kind and denied all charges. His submissions were reviewed by the Board which determined further proceedings were not necessary.

The Board was persuaded to modify the sanctions. The Board ordered that he be reprimanded. EFFECTIVE DATE: June 13, 2002

**5. GREENIDGE, Neil T., M.D., License #34560 (Bronx, NY)**

FINAL ORDER OF DISCIPLINE filed June 13, 2002. The Board received information that Dr. Greenidge entered into a Consent Agreement and Order with the New York Board in May of 2001. He was charged with professional misconduct by practicing his profession with negligence on more than one occasion and committing professional misconduct by failing to maintain a record for each patient which accurately reflected care and treatment of the patient. He admitted guilt to both specifications of professional misconduct. The New York Board limited his license. A Provisional Order was filed with this Board on November 27, 2001 based on the New York action. He submitted for Board consideration a letter which stated although he entered into an agreement with the New York Office of Professional Medical Conduct, he did not agree with the charges but has legally accepted them. The Board reviewed his submissions and determined further proceedings were not necessary in that no material discrepancies had been raised. The Board ordered his license to practice medicine and surgery in the State of New Jersey be limited to permit only the performance of screening examinations on behalf of employers regarding OSHA provisions and subject to the prior written approval of the Executive Director of the Board and screening examinations regarding other regulatory requirements or independent medical examinations. EFFECTIVE DATE: June 13, 2002

**6. HAYS, Richard Winston, M.D., License #37269 (St. Petersburg, FL)**

FINAL ORDER OF DISCIPLINE filed June 13, 2002. Dr. Hays has not been registered to practice medicine in the State of New Jersey since June 30, 1993 when his license expired and he did not renew. On September 5, 2000, an Order was filed with the Florida Board after they found Dr. Hays guilty of deceptive, untrue and fraudulent representations or employment of a trick or scheme in his practice of medicine. He was ordered to pay a \$500.00 fine. Based on the above, a Provisional Order was filed with the New Jersey Board to which he responded. His submissions were reviewed and the Board found no further proceedings were necessary in that no material discrepancies had been raised. The Board ordered his New Jersey license be suspended for six months with the suspension entirely stayed to be served as probation. EFFECTIVE DATE: June 13, 2002

**7. LIPMAN, Clifford R., M.D., License #38121 (Marlboro, NJ)**

INTERIM CONSENT ORDER filed June 20, 2002. Dr. Lipman petitioned the Board for modification of the Consent Order Granting Restricted Licensure filed September 29, 2000. He was seeking restoration of his controlled dangerous substance privileges since he intended to seek employment as an emergency room physician. The Board was satisfied that he had demonstrated a substantial period of drug and alcohol-free sobriety, had successfully worked in a medical environment and had addressed the psychological issues underlying his substance abuse problem. The Board ordered he be granted leave to renew his State and Federal controlled dangerous substance registrations for the sole purpose of prescribing to patients in his employment capacity. He must be supervised by a Board-approved monitor who will agree to report to the Board concerning Dr. Lipman's compliance with the Board Order and immediately report any failure to comply with the order. He may not have access to controlled substances, including samples, and may not have access to other physicians' prescription pads. He must limit the number of hours he works to enable him to comply with other terms of this Order. He must absolutely abstain from the use of alcohol and all controlled substances and prescription medications unless prescribed by a treating physician who is aware of his chemical dependency history. Any medication taken is to be reported to the Physicians' Health Program (PHP). He must have his urine monitored by the PHP on a random, twice-weekly basis. Any failure to provide a urine sample within 24 hours of the request will be deemed equivalent to a confirmed positive urine test. PHP to report to the Board quarterly for a minimum of two years regarding his compliance. He must continue participation in Alcoholics Anonymous, must continue in individual psychotherapy with quarterly reports to the Board. He consented to the entry of an Order of automatic suspension without notice upon the Board's receipt of reliable information demonstrating his failure to comply with the conditions of this Order or a prima facie showing of relapse or recurrence of alcohol or drug abuse. EFFECTIVE DATE: June 20, 2002

**8. MANZE, Patrick, M.D., License #35074 (Bloomfield, NJ)**

CONSENT ORDER filed July 23, 2001. The Board received information from the Physicians' Health Program (PHP) that Dr. Manze had admitted a relapse into a prior alcohol abuse problem and voluntarily agreed to cease practice on or about December 12, 2000. Dr. Manze sought permission to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey without prejudice. The Board granted leave for Dr. Manze to immediately surrender his license to practice medicine for a minimum period of six months from the entry date of the Order. Prior to any restoration of license, he must appear before a Committee of the Board to discuss his readiness and demonstrate he is not then suffering any impairment or limitation resulting from the use of cocaine, alcohol, or any drug which could affect his practice. EFFECTIVE DATE: July 23, 2001

**9. DENNIS NATOLI, M.D., License #MA020515 (River Edge, NJ)**

INTERIM CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSURE filed June 21, 2002. The Board received information that Dr. Natoli had been arrested on April 25, 2002 and charged with distribution of controlled dangerous substances. He denied the conduct alleged but desired to temporarily surrender his license pending the outcome of the criminal proceedings. The Board ordered he surrender his license to practice medicine and surgery in the State of New Jersey effective July 26, 2002. Effective June 14, 2002, he may not prescribe or dispense any controlled dangerous substances in his practice. EFFECTIVE DATE: July 26, 2002

**10. ORATIO, Dennis, M.D., License #46629 (Freehold, NJ)**

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSURE filed January 9, 2002. On December 18, 2001, Dr. Oratio entered into a Consent Order with the Board, voluntarily surrendering his license to practice medicine and surgery in the State of New Jersey until January 9, 2002. He subsequently sought and the Board granted permission for him to voluntarily surrender his license to practice medicine and surgery without prejudice, for a minimum of six months, effective December 18, 2001. Prior to any restoration of his license, he must appear before a Committee of the Board to provide evidence he is capable of discharging the functions of a licensee in a manner consistent with public health, safety and welfare and that he is not then suffering any impairment or limitation resulting from the use of cocaine, alcohol, or any drug which could affect his practice. He must provide the Board with reports from each and every mental health professional who participated in his care and/or treatment and a report from the Physicians' Health Program (PHP). EFFECTIVE DATE: January 9, 2002

**11. PATEL, Chandrakant, M.D., License #37166 (Edison, NJ)**

INTERIM CONSENT ORDER filed June 12, 2002. On May 28, 2002, an Order to Show Cause and Verified Complaint were filed by the Attorney General alleging Dr. Patel engaged in repeated acts of negligence and gross incompetence. Through counsel, Dr. Patel filed an Answer denying the allegations. The Board ordered and he consented to voluntarily refrain from engaging in any aspect of the clinical practice of medicine in any setting whatsoever, commencing June 26, 2002, pending completion of the plenary hearing resolving the Amended Verified Complaint or until such time as he submits to an evaluation by a Board-approved focused education program and successfully completes any supplemental follow-up or remediation required by such evaluation program, subject to further review of such assessment and/or remediation by the Attorney General and the Board. He is permitted to continue solely in an administrative capacity at Universal Industrial Clinic (UIC) and shall not direct the form or substance of any medical service provided to any patient treated by any other physician at UIC subject to the conditions specified in the Interim Consent Order. This voluntary cessation of clinical practice is entered without admission of wrongdoing by Dr. Patel and without prejudice to the further investigation and prosecution by the Attorney General. This Order shall remain in effect pending final disposition of the Administrative Complaint by the Board or subsequent modification of the Order upon application by Respondent or Attorney General. EFFECTIVE DATE: June 12, 2002

**12. ROY, Pablo, M.D., License #MA19789 and B.L.D., License #MF000318 (Newark, NJ)**

CONSENT ORDER OF TEMPORARY SUSPENSION filed June 12, 2002. On May 28, 2002, an Order to Show Cause and Verified Complaint were filed by the Attorney General alleging Dr. Roy's continued licensure constituted a clear and imminent danger to the public arising from repeated acts of negligence and gross incompetence. Dr. Roy consented to the temporary suspension, without prejudice, of his license to practice medicine and surgery and his license as a Bio-analytical Laboratory Director until the next meeting of the Board on July 10, 2002. His Answer to the Verified Complaint must be filed no later than July 1, 2002. Entry of this temporary suspension is without admission of any wrongdoing and without prejudice to further investigation and prosecution by the Attorney General. EFFECTIVE DATE: June 12, 2002

## LICENSURE MATTERS

### 1. HEYBURN, Donald J., A.T., License #MT000997 (Scotch Plains, NJ)

FINAL DECISION AND ORDER filed June 6, 2001. The Board received information that Donald Heyburn had been practicing athletic training from 1989 until the year 2000 at Montville Township High School in New Jersey without having first obtained a registration. The Board ordered he be reprimanded for the unregistered practice of athletic training and required to pay a \$500.00 penalty. He has since applied for and been granted a registration to practice athletic training. EFFECTIVE DATE: June 6, 2001

### 2. JAQUETTE, Bryan James, A.T., License #MT000897 (Fort Myers, FL)

FINAL DECISION AND ORDER filed March 12, 1999. During review of his application for a registration to practice athletic training in this State, the Board received information alleging he had been practicing athletic training from October 1997 to at least September 1998 without having first obtained a registration. The Board ordered that he be reprimanded. EFFECTIVE DATE: March 12, 1999

### 3. PAPA, Anthony, A.T., License #MT001104 (Mount Arlington, NJ)

CONSENT ORDER filed June 4, 2002. The Board received an application for an athletic training registration in May 2001 from Mr. Papa which included information alleging he practiced athletic training from November 2000 to the present for Sparta Township Public Schools without having first obtained a registration to do so. He testified before the Athletic Trainer Committee on March 19, 2002 and acknowledged he had performed certain athletic training modalities and taped injured athletes during the 2000-2001 school year. The Board ordered he be reprimanded for the unregistered practice of athletic training and required to pay a \$370.00 penalty. It also ordered he be granted a registration to practice athletic training.

### 4. SARREL, Sallie, A.T., License MT001018 (Millburn, NJ)

FINAL DECISION AND ORDER filed February 20, 2001. During the processing of her application for an athletic training registration, the Board received information that she had been practicing athletic training from November 2000 through December 2000 at Millburn High School without having first obtained a registration. The Board ordered she be reprimanded for the unregistered practice of athletic training and required to pay a \$250.00 penalty. She now holds an athletic training registration. EFFECTIVE DATE: February 20, 2001

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

Respectfully submitted,

David M. Wallace, M.D., Chairperson  
for Open Disciplinary Matters

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