

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

- AUGUST 8, 2001

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, August 8, 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 David M. Wallace, M.D., Chairperson for Open Disciplinary Matters.

PRESENT

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

EXCUSED

Board Members Desmond, Reid and Ricketti.

ALSO PRESENT

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

RATIFICATION OF MINUTES

The Minutes from the July 11, 2001 Board meeting were approved as submitted.

OLD BUSINESS

**1. ADAMS, Peter X., M.D., License #43757 (Without Appearance)
ALBERTSON, B. Michelle, D.A.G., for Complainant
(Counseling Deputy: FLANZMAN)**

A Provisional Order of Discipline (POD) was filed June 28, 2001 which would suspend the above physician's license until such time as he can demonstrate that his New York license is unrestricted. Enclosed for Board consideration were D.A.G. Albertson's July 19, 2001 letter to the Board; Dr. Adams' July 2, 2001 response with attachments; and the POD with attachments filed June 28, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MODIFY THE PROVISIONAL ORDER OF DISCIPLINE TO BECOME A FINAL ORDER OF DISCIPLINE THAT WOULD SUSPEND DR. ADAMS' LICENSE FOR FIVE YEARS OR UNTIL SUCH TIME THAT HIS NEW YORK LICENSE IS UNRESTRICTED. THE BOARD'S PENALTY IS BASED ON THE SISTER-STATE ACTION. PRIOR TO RESUMING PRACTICE, DR. ADAMS MUST APPEAR BEFORE A COMMITTEE OF THE BOARD AND WILL BE REQUIRED TO DEMONSTRATE HIS FITNESS TO PRACTICE MEDICINE, INCLUDING HIS DEMONSTRATION OF NO DRUG OR ALCOHOL ABUSE.

**2. FREUNDLICH, William, D.P.M. (Without Appearance)
WEIR, Bonnie M., KERN, Steven I., Esqs., for Respondent
PHAM, Jacqueline, D.A.G., for Complainant**

A Provisional Order of Discipline (POD) was filed June 8, 2001 which would revoke the above physician's license. Enclosed for Board consideration were D.A.G. Pham's July 24, 2001 letter to the Board; Dr. Freundlich's July 2, 2001 response through Attorneys Weir and Kern with Exhibit A (Exhibit B was provided to the Board in the Closed Agenda Packet); and the POD with attachments filed June 8, 2001.

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

**3. KELLOGG, William T., M.D., License #32321 (Counseling DAG: FLANZMAN)
KERN, Steven I., Esq., for Respondent (Without Appearance)
GELBER, Joan D., D.A.G., for Complainant**

Enclosed for Board consideration on the papers was Mr. Kern's June 29, 2001 letter petitioning the Board for the reinstatement of Dr. Kellogg's license. Also enclosed for Board consideration were the June 2001 CPEP report; a July 24, 2001 letter from CPEP attaching the Report Attachment which was omitted from the final Assessment Report; a July 24, 2001 notification from CPEP that Dr. Kellogg has enrolled in CPEP's documentation seminar to take place on August 8, 2001 in Denver, Colorado. CPEP strongly recommends that Dr. Kellogg participate in the follow-up phase which will require a medical license. They are confident that the seminar will address the concerns indicated in the Assessment Report. Also enclosed was D.A.G. Gelber's July 3, 2001 response to Mr. Kern's petition and Mr. Kern's July 12, 2001 reply to D.A.G. Gelber's July 3, 2001 response. In addition, attached to Mr. Kern's July 12, 2001 letter were copies of two pending malpractice cases involving Dr. Kellogg. The May 3, 1995 Final Order and the March 2, 2000 Supplemental Order Restoring Limited Licensure to Participate in Anterior Segment and Refractive Surgery Fellowship Program at New Jersey Eye Center were also included in the Board packets, along with all Administrative Complaints and prior Board Orders submitted as background concerning the matter of Dr. Kellogg.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT BEFORE RESTORING DR. KELLOGG'S LICENSE, THAT HE BE REQUIRED TO APPEAR BEFORE A PEC AT WHICH TIME DR. TRAYNER IS PRESENT.

Dr. Robins voted in opposition.

The Board asked that this matter be scheduled as quickly as possible. Since the next scheduling date for PECs would be in October, the Board decided that a special PEC would be scheduled with Drs. Harrer and Trayner present.

**4. 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, at its May 9, 2001 meeting, was provided with information on a continuing medical education course in High Risk Pregnancy and approved Dr. Nwanna taking this course entitled -Antepartum & Intrapartum Management which was held in San Francisco, California June 14 - 16, 2001. This course covers only a portion of the required 48 hours. Since the May meeting, Medical Director Gluck has approved an additional course to be taken by Dr. Nwanna which again is only a portion of the required 48 hours. This course is a continuing education course for High Risk Obstetrics to be held in New Orleans, Louisiana September 20 - 22, 2001. The total number of hours for both courses is 39 hours. Question was raised that should Dr. Nwanna submit documentation to show that he was present for both courses the entire time, would the Board waive the remaining nine hours. Enclosed for Board review were the August 24, 2001 Consent Order and the information concerning both courses.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE REQUEST TO WAIVE THE REMAINING NINE HOURS OF COURSE TIME AND TO REQUIRE THAT DR. NWANNA SUBMIT DOCUMENTATION THAT DEMONSTRATES HE WAS PRESENT FOR THE ENTIRE TIME THE COURSES WERE BEING PRESENTED.

It was noted that Dr. Wallace approved the first course and Dr. Gluck approved the second.

5. PATEL, Hitesh, M.D., License #56484 (Without Appearance)

MARLIN, Louis M., Esq., for Respondent

ALBERTSON, B. Michelle, D.A.G., for Complainant

A Provisional Order of Discipline (POD) was filed January 12, 2000 which would suspend the above physician's license for a period of five years from the date of filing of the Order. Enclosed for Board consideration were D.A.G. Albertson's July 26, 2001 letter to the Board; Mr. Marlin's June 12, 2001 response on behalf of Dr. Patel with attachments; and the POD with attachments filed January 12, 2000.

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

6. PIUCK, Charlotte L., M.D., License #28120 (Without Appearance)

BERNSTEIN, Eleanor G., D.A.G., for Complainant

A Provisional Order of Discipline (POD) was filed June 7, 2001 which would revoke the above physician's license. Enclosed for Board consideration were D.A.G. Bernstein's July 18, 2001 letter brief to include Exhibits A and B; Dr. Piuck's June 12, 2001 letter with attachments seeking a hearing; Dr. Piuck's July 25, 2001 letter; and the POD with attachments filed June 7, 2001. The Board also received with its Supplemental Agenda Dr. Piuck's July 31, 2001 letter addressed to the Board.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. PIUCK A MITIGATION HEARING AND VOTED TO UPHOLD THE PROVISIONAL ORDER OF DISCIPLINE. THEREFORE, A FINAL ORDER OF DISCIPLINE WILL BE FILED.

7. ROSMAN, Maurice, D.O., License #18429 (Without Appearance)

MILLER, Michael D., Esq., for Respondent

PHAM, Jacqueline, D.A.G., for Complainant

A Provisional Order of Discipline (POD) was filed March 20, 2001 which would suspend the above physician's license for one year. Enclosed for Board consideration were D.A.G. Lewis' July 9, 2001 letter to the Board; Mr. Miller's April 6 and May 15, 2001 letters requesting extension of time to respond; Mr. Miller's June 26, 2001 letter with attachment; and the POD with attachments filed March 20, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO WITHDRAW THE PROVISIONAL ORDER OF DISCIPLINE.

8. SCHUTZ, Randolph, M.D., License #45230 (Without Appearance)

ALBERTSON, B. Michelle, D.A.G., for Complainant

(Counseling Deputy: LEVINE)

A Provisional Order of Discipline (POD) was filed March 17, 2000 which would revoke the above physician's license. Enclosed for Board consideration were D.A.G. Albertson's June 26, 2001 letter to the Board; Executive Director Roeder's June 4, 2001 Affidavit with attachments; and the POD with attachments filed March 17, 2000. Dr. Schutz did not respond to the POD.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE

PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

9. TANENBAUM, Judith, P.A., License #342 (Without Appearance) PHAM, Jacqueline, D.A.G., for Complainant

A Provisional Order of Discipline (POD) was filed June 11, 2001 which would reprimand the above physician assistant. Enclosed for Board consideration were D.A.G. Pham's July 24, 2001 letter to the Board; Ms. Tanenbaum's July 26, 2001 response with attachments; and the POD with attachments filed June 11, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT MS. TANENBAUM APPEAR BEFORE THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE.

10. TIWARI, Ratan Lal, M.D., License #33570 (Without Appearance) HARTZ, Jay N., Esq., (California Attorney) PHAM, Jacqueline, D.A.G., for Complainant

A Provisional Order of Discipline (POD) was filed June 11, 2001 which would suspend the above physician's license for a period of three years. Enclosed for Board consideration were D.A.G. Pham's July 26, 2001 letter to the Board; Mr. Hartz' July 11, 2001 response on behalf of Dr. Tiwari with attachments; and the POD with attachments filed June 11, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO WITHDRAW THE PROVISIONAL ORDER OF DISCIPLINE.

REPORT OF INTERIM AND FINAL ORDERS FILED WITH THE BOARD

1. ARFANIA, Jamshid J., M.D., #MA26553 (Yonkers, NY)

FINAL ORDER OF DISCIPLINE filed July 24, 2001. The Board office received information that Dr. Arfania's license had been revoked by the State of California based on mental impairment. His California revocation was stayed and he was placed on five years' probation with terms/conditions including a 30-day active suspension, periodic psychiatric evaluations with reports to the Board, psychiatric treatment if required and professional monitoring of his practice. A Provisional Order was filed which required Dr. Arfania to respond within 30 days. Dr. Arfania called the Board office but failed to follow up with any written response to the Provisional Order. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be suspended. He may seek restoration of his NJ license upon reinstatement of his license to practice in California and upon demonstration of his current fitness to practice, including submission of psychiatric evaluations and monitoring of his plans for practice. EFFECTIVE DATE: July 24, 2001

2. BAGTAS, Justiniano F., M.D., License #MA 60527 (Tinton Falls, NJ)

CONSENT ORDER filed February 28, 2001. The Board received information indicating a child under Dr. Bagtas' care had died after receiving ten times the intended dose of chemotherapy. Investigation further revealed the child had received an antibiotic to which he had an allergy. Dr. Bagtas testified before a Committee of the Board that the original order of chemotherapy had been written by an oncology nurse specialist and signed by Dr. Bagtas. A second nurse xeroxed the original order with corrections, the original order was discarded, and he countersigned the rewritten order without rechecking the calculations before it was sent to the pharmacy. Regarding the prescription for the antibiotic given to the child, he testified he did not know the child had an allergy and relied on the resident who called him to check the chart. The Board ordered that Dr. Bagtas be reprimanded for failing to reread the order when it was rewritten and for prescribing an antibiotic to which the patient was allergic. He was ordered to pay a \$2,500 penalty and \$2,500 costs. EFFECTIVE DATE: February 28, 2001

3. BATTALINO, Barbara, D.O., License #37024 (Los Osos, CA)

FINAL ORDER OF DISCIPLINE filed July 27, 2001. License surrendered in California and New York. In July 1995, she testified under oath concerning an allegation of sexual misconduct with a patient during an office visit. Under cross-examination, she responded that nothing of a sexual nature had taken place in her office. Her answer was false and misleading. On February 14, 1998, she was convicted of one count of obstruction of justice in US District Court, District of Idaho, after providing false and misleading testimony concerning a sexual relationship with a patient. She surrendered her license to practice medicine in California and New York. A Provisional Order was filed with this Board. She requested modification without specifying any reasons and requested additional time to secure legal counsel. No additional response was received. The Board ordered that Dr. Battalino's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: July 27, 2001

4. BERONILLA, Hilarion A., Jr., M.D., License #32334 (Ulster Park, NY)

FINAL ORDER OF DISCIPLINE filed June 26, 2001. On July 24, 1997, the Pennsylvania Board suspended Dr. Beronilla's license to practice medicine based on allegations he had fondled the breasts and genitalia of eight female patients absent a proper medical purpose. The Pennsylvania Board found he had departed from standard medical practice by performing examinations which were not medically necessary, he had performed examinations in an incompetent and medically improper manner, and that he failed to record the reason for and the performance of those examinations. On October 27, 1999, the Pennsylvania Board revoked Dr. Beronilla's license. A Provisional Order was filed with this Board. Dr. Beronilla submitted a response requesting reinstatement of his New Jersey license based on his acquittal in the criminal case and that he had been treated unfairly by the Pennsylvania Board. His submissions were reviewed by the Board which noted a different standard applies to administrative proceedings and that his Pennsylvania license was revoked, which provided a clear basis for action. The Board ordered that Dr. Beronilla's license to practice medicine and surgery in the State of New Jersey be revoked. Prior to resuming active practice in this State, he must appear before a Committee of the Board to demonstrate his fitness. Any practice prior to said appearance will constitute grounds for a charge of unlicensed practice. The Board reserves the right to place restrictions upon his practice should his license be reinstated. EFFECTIVE DATE: June 26, 2001

5. CARLUCCI, Joseph M., M.D., License #41526 (Barefoot Bay, FL)

FINAL ORDER OF DISCIPLINE filed July 24, 2001. The Board ordered the license of Joseph M. Carlucci, M.D., to practice medicine and surgery in the State of New Jersey be revoked. Action based upon the suspension of his license in the State of Florida and his failure to respond to a Provisional Order of Discipline filed with this Board. The Florida action was based on findings that a required drug screen had returned positive for amphetamine and methamphetamine. The Florida Physicians Resource Network opined that he was impaired due to chemical dependency and his impairment constituted an immediate and serious danger to the public's health, safety and welfare. EFFECTIVE DATE: July 24, 2001

6. CAUSTON, Ronald B., M.D., License #MA38596 (Destin, FL)

FINAL ORDER OF DISCIPLINE filed June 26, 2001. On April 21, 2000, Dr. Causton entered into a Consent Agreement with the Florida Board of Medicine. He was charged with engaging in sexual misconduct in his treatment of a patient and engaging in sexual intercourse with the patient, who was under his care from August 1993 until about April 1997. Dr. Causton did not admit or deny the allegations but admitted that had the allegations been proven, such conduct would have been in violation of Florida statutes. The Florida Board suspended his license for one year, with the suspension stayed provided he complied with the terms of the Consent Agreement. He was placed on probation for five years during which a physician monitor must indirectly supervise his actions. It also required a licensed female health care practitioner be present in the examination room when he was treating female patients; he must remain in full compliance with the conditions of his current Physicians Recovery Network contract, and payment of a

\$7,500 fine. A Provisional Order of Discipline was filed with this Board. Dr. Causton responded and requested he be allowed to voluntarily surrender his license to practice medicine and surgery in New Jersey. His submissions were reviewed by the Board which found his conduct would amount to a clear violation and as such was sufficient predicate for the sexual misconduct rule discipline imposed. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be suspended for five years. Prior to resuming practice in this State, he must appear before a Committee of the Board to demonstrate his fitness. Any practice prior to such appearance will constitute grounds for a charge of unlicensed practice. The Board reserves the right to impose restrictions on his practice should his license be reinstated. EFFECTIVE DATE: June 26, 2001

7. CHUZHIN, Yakov, M.D., License #64793 (Roseland, NJ)

CONSENT ORDER filed July 11, 2001. Dr. Chuzhin petitioned the Board for modification of the Order of Limited Reinstatement of License filed July 12, 2000. He had previously entered into a Consent Order of Voluntary Surrender of Licensure with the Board on October 29, 1999, after admitting a substance abuse problem involving the inhalational gas Forane (isoflurane). Proofs submitted to the Board demonstrated he has achieved a period of drug and alcohol-free sobriety, has been compliant with the requirements of the Physicians' Health Program (PHP), and remains under the care of his treating psychiatrist who reported he has been cooperative and compliant with no indication of a relapse. The Board ordered that he be granted an unrestricted license to practice medicine and surgery in the State of New Jersey subject to conditions. He must refrain from taking any psychoactive substances unless prescribed by a treating physician for a documented medical condition and only if notification is given to the PHP. He must continue participation with the PHP, including random weekly urine monitoring during the first year of his return to the practice of anesthesiology and then on a schedule to be determined. Any positive urine results will be reported immediately to the Board. Any failure to provide a urine sample within 24 hours of a request will be deemed equivalent to a confirmed positive urine test. He must attend Alcoholics Anonymous meetings three times per week and continue in his formal aftercare program with his psychiatrist. He must notify any potential employer of his prior problems with the abuse of inhalational anesthetics. The Physicians' Health Program is to report quarterly to the Board concerning his compliance and immediately notify the Board if he suffers a relapse or fails to comply with his aftercare program. EFFECTIVE DATE: July 11, 2001

8. CIFALDI, Jr., Ralph J., D.O., License #59663 (Springfield, NJ)

CONSENT ORDER filed June 26, 2001. On May 9, 2001, a Consent Order was filed with the Board which suspended Dr. Cifaldi's license to practice medicine in New Jersey for twelve months, retroactive to September 1, 2000. The suspension consisted of a six-month active suspension and a six-month stayed suspension. On May 23, 2001, Dr. Cifaldi appeared before a Committee of the Board accompanied by Dr. David Canavan of the New Jersey Medical Society's Physicians' Health Program (PHP). The Board reviewed PHP submissions and proofs which demonstrated that since his entry into in-patient treatment in September 2000, he has achieved a period of drug and alcohol-free sobriety, has attended regular meetings of AA and appears to have been totally compliant with the requirements of the PHP. He remains under the care of his treating psychologist. The Board ordered Dr. Cifaldi may commence the stayed portion of his suspension. The stayed suspension will terminate on September 1, 2001. He must refrain from engaging in any solo practice. Dr. Cifaldi is not currently employed. He must notify the Board in writing if he wishes to commence/change employment and the Board must consent in advance to any such changes. He must disclose his involvement with the PHP to any future employer. He must refrain from taking any psychoactive substances unless prescribed by a treating physician for a documented medical condition and only if notification is given first to the PHP. He must participate in random urine monitoring, twice-weekly, during the stayed portion of his suspension and also during his first full year of employment. He must meet monthly with representatives of the PHP, must attend Alcoholics Anonymous and must continue in his aftercare program until discharged. The Board is to be notified in advance of any changes to his aftercare program. PHP to report quarterly on Dr. Cifaldi's compliance and report immediately any evidence of a relapse or failure to comply with his aftercare program. He may request modifications of these restrictions no earlier than June 1, 2002. EFFECTIVE DATE: June 26, 2001

9. EPSTEIN, Salomon Natan, M.D., License #32001 (Saddle River, NJ)

FINAL ORDER OF DISCIPLINE filed June 26, 2001. In April 2000, Dr. Epstein entered into a Consent Order with the New York Board wherein he admitted guilt to twelve counts of poor recordkeeping in full satisfaction of the charges against him. The New York Board allegations reflected a pattern of disregard for accepted standards of care dating from 1988 through 1995 in his treatment of patients for whom he provided gynecological services. The records reflected absence of postoperative follow-up care, failure to provide appropriate covering physician care, or to advise the patient with information regarding hospital accessibility in the event of an emergency. A Provisional Order was filed to which Dr. Epstein responded. His submissions were reviewed by the Board which determined no material discrepancies had been raised. This Board was not bound by the penalty imposed in New York. It was persuaded that the materials submitted merited further consideration and decided to modify the penalty listed in the Provisional Order. The Board ordered that Dr. Epstein's license to practice medicine and surgery in the State of New Jersey be suspended for five years with the suspension stayed to be served as probation. Prior to resuming active practice in New Jersey, he must appear before a Committee of the Board to demonstrate his fitness to practice and provide documentation he has attended a Board-approved recordkeeping course. Any practice in New Jersey prior to said appearance will constitute grounds for the unlicensed practice of medicine. The Board reserves the right to impose restrictions on his practice should his license be reinstated. EFFECTIVE DATE: June 26, 2001

10. ESTERMAN, Sidney, D.P.M., License #777 (East Orange, NJ)

FINAL ORDER OF DISCIPLINE filed June 26, 2001. Dr. Esterman entered into a Consent Order on August 31, 2000 with the New Jersey Office of the Insurance Fraud Prosecutor wherein he was ordered to pay a \$5,000 penalty in settlement of charges that he had knowingly submitted false and misleading pharmacy bills to Blue Cross and Blue Shield of NJ in support of his claim for reimbursement of prescription drug purchases. Specifically, he filed a claim with the insurance carrier receiving benefits totaling \$13,020 for which he was not entitled to, through the use of falsified pharmacy receipts. A Provisional Order was filed on March 16, 2001 based on the above listed Findings of Fact. Dr. Esterman failed to respond to the Provisional Order. The Board ordered Dr. Esterman's license to practice podiatry in the State of New Jersey be suspended for three years. Prior to resuming active practice in New Jersey, he must appear before the Board to demonstrate his fitness to resume practice. Any New Jersey practice prior to formal reinstatement of license by this Board will constitute grounds for a charge of unlicensed practice. The Board reserves the right to place restrictions on his license should he be reinstated. EFFECTIVE DATE: June 26, 2001

11. GLASS, Neal Ronald, M.D., License #54900 (Cherry Hill, NJ)

FINAL ORDER OF DISCIPLINE filed June 29, 2001. Dr. Glass' license to practice medicine was suspended indefinitely by the State Medical Board of Ohio effective April 26, 1999. Dr. Glass was found to have prescribed Schedule III, IV and V controlled substances to a patient, known to be his wife, between October 1994 and April 1996 and in March and June of 1997. Despite such prescribing, he failed to keep any patient records. A Provisional Order was filed to which Dr. Glass responded. The Board reviewed his submission and found that the materials submitted merited a modification of sanctions which had been contained in the Provisional Order. The Board ordered that Dr. Glass' license to practice medicine and surgery in the State of New Jersey be suspended for three years with the suspension stayed to be served as probation. Prior to resuming any active practice, he must appear before a Committee of the Board to demonstrate his fitness and that he has complied in all respects with the Ohio Order. Any practice in New Jersey prior to said appearance will constitute grounds for the charge of unlicensed practice. He must pay all back registration fees to bring his registration up to date prior to entering practice. The Board reserves the right to place restrictions on his practice should his license be reinstated. EFFECTIVE DATE: June 29, 2001

12. GRABLE, Harvey R., M.D., License #MA 48411 (Monmouth Beach, NJ)

FINAL ORDER OF DISCIPLINE filed July 26, 2001. Dr. Grable entered into a Consent Agreement with the New York Board wherein he admitted to two specifications of failure to maintain medical records which accurately reflect his evaluation of two patients involved in motor vehicle accidents. The New York Board imposed a 36-month suspension with one month an active suspension and the remaining 35 months being served as probation. He also agreed to be precluded from testifying as a medical expert in any physician malpractice proceedings. A Provisional Order of Discipline was filed with this Board which provided Dr. Grable thirty days to respond. Dr. Grable did not respond. The Board ordered that his license to practice medicine and surgery in the State of New Jersey be suspended for three years. EFFECTIVE DATE: July 26, 2001

13. HUNDA, Rafael, M.D., License #23110 (Paterson, NJ)

ORDER GRANTING LEAVE TO RETIRE LICENSE filed July 13, 2001. The Board received information that the continued practice of Dr. Hunda presented a clear and imminent danger to the public. An inspection of his office disclosed he maintained his medical office without adherence to appropriate sanitary practices and without registering as a medical waste generator. The Board ordered that Dr. Hunda permanently retire with prejudice his license to practice medicine and surgery in the State of New Jersey. He must immediately cease and desist from the practice of medicine and surgery. He may no longer be eligible to hold prescriptive privileges in this State. He must promptly arrange to provide current patients with referrals to alternative healthcare providers. EFFECTIVE DATE: July 13, 2001

14. JIHAYEL, Ayad K., M.D., License #43467 (Clifton, NJ)

ORDER GRANTING UNRESTRICTED LICENSURE filed June 26, 2001. Dr. Jihayel petitioned the Board for an unrestricted license to practice medicine and surgery in the State of New Jersey and for authorization to apply for reinstatement of his controlled dangerous substance prescribing authority which he had previously voluntarily surrendered. The Board reviewed all information available which demonstrated that he has remained in total compliance with all requirements of his prior Board Order. The Board has now ordered that the Consent Order filed June 1999 be terminated and Dr. Jihayel be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. He may also apply for reinstatement of his controlled dangerous substance prescribing authority. EFFECTIVE DATE: June 26, 2001

15. LAHIRI, Swapnadip, MD, License #MA63137 (Oradell, NJ)

FINAL ORDER OF DISCIPLINE filed June 22, 2001. Dr. Lahiri had been found guilty by the New York Board of fraudulent practice, moral unfitness, and failure to maintain records, all related to his treatment of, falsification of records for, inappropriate comments to, and attempt to establish a personal relationship with a female patient. New York ordered he receive a six-month active suspension and 30-months probation. A Provisional Order was filed and Dr. Lahiri responded. He did not dispute the findings of the New York proceeding and did not dispute the Findings of Fact or Conclusions of Law. The Board noted he appeared to comply with the New York Order and determined to impose a suspension and probation period identical to that imposed in New York. The Board ordered Dr. Lahiri's license to practice medicine and surgery in the State of New Jersey be suspended for three years with the first six months active and the remaining 30 months stayed. The active six-month suspension is deemed to have begun on September 28, 2000 and concluded February 28, 2001, the date the New York suspension concluded. His 30-month period of probation began on March 1, 2001. He must comply in all respects with the New York probationary requirements and with the law and regulations governing the practice of medicine. Any failure to comply will provide grounds for the activation of the stayed period of suspension and additional discipline by the Board. EFFECTIVE DATE: June 22, 2001

16. LICKFIELD, Kevin J., D.O., License #56759 (Pennsauken, NJ)

ORDER filed August 2, 2001. Pursuant to his July 27, 2001 letter to the Board, Dr. Lickfield notified the

Board of his immediate surrender of licensure based upon his intention to seek "appropriate medical treatment." His offer was made without prejudice to a petition for reinstatement at a future date. The Board accepted his voluntary surrender of licensure without prejudice. EFFECTIVE DATE: July 27, 2001

17. LIEBOWITZ, Leonard J., M.D., License #37421 (Morganville, NJ)

ORDER OF TEMPORARY LICENSE SUSPENSION filed June 28, 2001. On June 6, 2001, an Order to Show Cause and Verified Complaint were filed by the Attorney General's Office seeking the imposition of disciplinary sanctions and remedial measures, including but not limited to the temporary suspension of Dr. Liebowitz' license pending the final disposition. Twenty-two Exhibits were presented demonstrating a pattern of repeated unexplainable behavior involving controlled dangerous substances (CDS) with five patients, a betrayal of doctor/patient confidentiality with another patient, two bizarre encounters with the Spotswood Police Department which gave rise to two hospitalizations and an expired CDS registration. The evidence when considered against his substance abuse history, suggests he is currently suffering a relapse or is physically or medically unable to discharge the functions of a licensee in a safe manner. The Board ordered the license of Dr. Liebowitz to practice medicine and surgery in the State of New Jersey be temporarily suspended pending final resolution by the Board of the plenary hearing in this matter. EFFECTIVE DATE: June 28, 2001

18. NIZIOL, John A., M.D., License #MA30205 (Clifton, NJ)

CONSENT ORDER OF VOLUNTARY SURRENDER OF LICENSE filed July 25, 2001. The Board received information from the Physicians' Health Program of the Medical Society of New Jersey indicating Dr. Niziol had relapsed into a prior alcohol abuse problem. Dr. Niziol entered treatment at Marworth and sought leave to voluntarily surrender his license without prejudice. The Board ordered that he immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum of three months from the date of his entry into inpatient treatment. Prior to any restoration of license, he must appear before a Committee of the Board to discuss his readiness to re-enter the practice of medicine, provide evidence he is capable of discharging the functions of a licensee in a manner consistent with the public's health and safety, and that he is not then suffering from any impairment or limitation resulting from the use of alcohol or any drug which could affect his practice. Entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from his conduct prior to entry into any treatment facility pursuant to this Order. EFFECTIVE DATE: July 25, 2001

19. O'CONNELL, Mark, M.D., License #65676 (Neptune, NJ)

ORDER OF UNRESTRICTED LICENSURE filed June 14, 2001. Dr. O'Connell petitioned the Board for an Order of Unrestricted Licensure based upon his compliance with earlier Board Orders and his continued cooperation with the Physicians' Health Program. The Board ordered that all restrictions upon his medical license be lifted and that he be granted an unrestricted license to practice medicine and surgery in the State of New Jersey. EFFECTIVE DATE: June 14, 2001.

20. SARNER, Steven W., M.D., License #50401 (Newton, NJ)

ORDER OF LIMITED REINSTATEMENT OF LICENSE WITH CONDITIONS filed June 21, 2001. Dr. Sarner petitioned the Board for reinstatement of his license to practice medicine and surgery in the State of New Jersey. On May 13, 1998, he voluntarily surrendered his license in settlement of an application for temporary suspension based on a Verified Complaint alleging sexually inappropriate conduct and language directed at professional colleagues and failure to cooperate in a Board investigation of the matter. He admitted the allegations of the initial Verified Complaint and pled no contest to the remaining allegations. By Consent Order filed May 12, 1999, Dr. Sarner's license was suspended for three years retroactive to May 13, 1998. On May 22, 2000, an Order of Limited Reinstatement with Conditions was filed with the Board. The Board considered all documents submitted and is satisfied he has complied with the Final Order of May 12, 1999. The Board has authorized the issuance of this Order, superceding the Order of May 22, 2000, which permits patient contact and includes certain limitations and conditions as permitted by the

Order of May 12, 1999. Prior to beginning work in any position which requires a New Jersey license, he must notify the Board and must obtain Board approval. He can only work in a structured setting under supervision. He must provide his supervisor with this and all prior Board Orders. His supervisor is required to report to the Board every four months from the beginning of employment and immediately report to the Board any conduct with a patient or staff that might be considered in violation of this Order. He must continue in personal psychotherapy and assure his treating practitioner submits quarterly reports to the Board and reports within three business days any unilateral termination of treatment. A Board-approved chaperone must be present whenever he is in the presence of a female patient. Upon the Board's receipt of reliable information of any failure by Dr. Sarner to comply with any part of this Order, his license to practice medicine and surgery in New Jersey will be immediately and automatically suspended.

EFFECTIVE DATE: June 21, 2001

21. SINHA, Binod P., M.D., License #42572 (Clifton, NJ)

SUPPLEMENTAL ORDER filed June 28, 2001. At its June meeting, the Board reviewed Dr. Sinha's request to return to active practice. The Board noted Dr. Sinha's compliance with the requirements of the November 22, 2000 Final Decision and Order. All terms of the Order of November 11, 2000 will remain in full force and effect. This Order terminates the active suspension and allows Dr. Sinha to return to the active practice of medicine during his period of probation subject to conditions. He must provide the Board with the name and title of a plenary licensed physician, who will serve as his supervisor, have the responsibility for the overall management of the Department of Anesthesia, and will assess Dr. Sinha's competency while working at any hospital at which he has privileges. The supervising physician will report quarterly to the Board as specified and report promptly to the Board of any performance problems.

EFFECTIVE DATE: June 28, 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,

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