

**State Board of Medical Examiners
Open Disciplinary Minutes
Disciplinary Matters Pending Conclusion
August 9, 2006**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, August 9, 2006 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 Ms. Karen Criss, Chairperson for Open Disciplinary Matters.

PRESENT

Board Members Cheema, Ciechanowski, Clemency-Kohler, Criscito, Criss, DeGregorio, Jordan, Lambert, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Scott, Stanley, Strand, Walsh, Weiss and Wheeler.

EXCUSED

Board Members Haddad and Salas-Lopez

ABSENT

ALSO PRESENT

Senior Deputy Attorney General Dick, Deputy Attorneys General Ehrenkrantz, Flanzman, Kenny, and Levine, Executive Director Roeder, Medical Director Gluck and Education Director Blanks.

RATIFICATION OF MINUTES

Dr. Lambert was recused in the Joseph Berger, M.D., matter.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 14, 2006 OPEN DISCIPLINARY BOARD MINUTES AS SUBMITTED.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

None

OLD BUSINESS

1. KOTTURI, Shiva M.D. (License #MA 59794)
(DICK, Sandra: Counseling D.A.G.)
CONROY, Robert J., Esq. For Respondent
KENNY, Paul R., D.A.G. for Complainant

The Board reviewed D.A.G. Kenny's June 9, 2006 letter requesting consideration of Mr. Conroy's June 2, 2006 letter to Executive Director Roeder petitioning the Board for a relaxation of the prior order on the basis of hardship. Also considered was Mr. Conroy's July 5, 2006 letter with attached documents regarding Dr. Kotturi's petition to the Board for relief of the prior Order in April of 2002, and a list of Dr. Kotturi's CME since 2002 which totals over 100 hours. The Board also reviewed the March 31, 2003 Consent Order Supplementing the Board's Final Order of February 21, 2002 in the matter of Dr. Kotturi. It was noted that Dr. Kotturi owes a total of \$59,832.07 and Dr. Kotturi has been ordered to successfully complete courses acceptable to the Board in medical record keeping and medical ethics during the period of active suspension. It was noted that Dr. Kotturi has made no payment so far and the recordkeeping course he completed had not been pre-approved by the Board office. There has been no documentation provided to the Board which would indicate the need to change his payments.

D.A.G. Kenny reported that a Certificate of Debt has been filed.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT DR. KOTTURI SHOULD APPEAR WITH A CERTIFIED FINANCIAL STATEMENT BEFORE THE PRELIMINARY EVALUATION COMMITTEE TO DISCUSS THIS MATTER. (Mr. Walsh was not present for discussion and vote in this matter.)

2. GOOBERMAN, LANCE, M.D. (License #MA 38191)
(KENNY, Paul: Prosecuting D.A.G.)
STRINGFELLOW, Josepy D., Esq. For Respondent

At its May 10, 2006 meeting the Board considered whether a temporary reduction of payment to \$3,000/month for the next six months should be granted and requested comprehensive certified audited financial statements regarding Dr. Gooberman's current financial status. The Board, at that time, voted to deny Dr. Gooberman's request for a reduction in monthly payments. The Board reviewed Dr. Gooberman's financial information in closed session. The Board considered Attorney Stringfellow's June 26, 2006 correspondence which requests a six month extension on the reduction of Dr. Gooberman's payments with regard to restitution relating to the Amended Order requiring Dr. Gooberman to pay the sum of \$3,000 which is due the 19th of every month. Additionally, Mr. Stringfellow is further asking for an additional 6 month extension relating to the submission of quarterly reports from his accountant showing financial status. D.A.G. Kenny is not opposed to this request. (The financial records [which were not certified] were provided in closed session.) Dr. Reichman announced that he knows Dr. Gooberman but does not feel it would affect his decision-making.

The Board opined that it did not receive the requested information and it should not consider Dr. Gooberman's request until the requested information is provided by Dr. Gooberman.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ALLOW DR. GOOBERMAN AN ADDITIONAL THREE MONTH EXTENSION ON HIS \$3,000 PAYMENTS WITH NOTIFICATION THAT HE MUST SUPPLY THE REQUESTED DOCUMENTS AT THE END OF THAT PERIOD OR THE BOARD WILL NOT ENTERTAIN ANY FURTHER REQUESTS. (Mr. Walsh was not present for discussion and vote in this matter.)

3. QURESHI, Shams M. M.D. (Licence #MA 46706)
HAFNER, Doreen: Prosecuting D.A.G.
CONROY, Robert J., Esq. For Respondent

The Board considered D.A.G. Hafner's July 13, 2006 letter to Mr. Conroy regarding the physician assistant Dr. Qureshi hired prior to obtaining Board approval as mandated in the Third Interim Consent Order dated June 14, 2006. D.A.G. Hafner listed her objections in this letter. A physician assistant must be supervised by a physician in good standing. The Board does not consider Dr. Qureshi to be a licensee in good standing.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT SINCE DR. QURESHI IS NOT A LICENSEE IN GOOD STANDING AT THIS TIME, HE CANNOT SUPERVISE A PHYSICIAN ASSISTANT. A LETTER INDICATING SAME WILL BE PREPARED FOR MR. CONROY.

4. VIRMANI, Ashutosh, M.D. (License #MA48523)
PEREZ, Mileidy: Counseling D.A.G.

Dr. Virmani received a Provisional Order of Discipline based upon the North Carolina action wherein he received a reprimand for pre-signing prescriptions in an OB/GYN clinic. Subsequent to the submission of D.A.G. Perez' letter to the Board on July 21, 2006, she received a letter from Dr. Virmani dated August 2, 2006. This letter requests that the Board modify the Provisional Order of Discipline filed on May 16, 2006, to set forth his version of the facts. Specifically, Dr. Virmani requests that the POD be modified "to reflect the true context of events". D.A.G. Perez notes that Dr. Virmani's proposed POD includes statements which are argumentative, self-serving and which do not reflect the facts contained in the North Carolina Consent Order. Dr. Virmani's response provided no new material facts to warrant a modification of the POD.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. VIRMANI'S REQUEST FOR MODIFICATIONS AND THEREFORE, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE FILED ON MAY 16, 2006.

5. MALONEY, Kevin, M.D. (License # 50619)
PEREZ, Mileidy: Counseling D.A.G.

A Provisional Order of Discipline was filed May 16, 2006 based upon a New York action. Respondent was found guilty by the State of New York, Department of Social Services of submitting false claims, and failure to maintain records that fully disclosed the necessity for, and the nature and extent of, services that Respondent ordered. Respondent was excluded from participation in the Medicaid program for five years and ordered to make restitution in the amount of \$383,340 plus interest. The New York Board charged Dr. Maloney with misconduct based on the DSS action on November 21, 2000. On May 29, 2001 the New York Board entered a Determination and Order taking no action against Respondent's license and issued a censure and reprimand. Dr. Maloney is now requesting a hearing in this matter. However, D.A.G. Perez responds that this is a low level Order of Reprimand which does not mandate a hearing.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE AS WRITTEN.

6. PONZIO, Matthew M.D. (License #MA23353)
KEOSKEY, Alex J., Esq. For Respondent
JESPERSEN, D.A.G. For Complainant

This Board considered Dr. Ponzio's application to the Board for a modification of the existing Consent Order, despite his failure to pay a civil penalty and costs under the terms of the Order. He had agreed to these payments but claimed that he is now financially unable to honor his commitments. The Board denied Dr. Ponzio's application as premature, but provided that the Board would reconsider his request upon the submission of a "certified personal financial statement". The Board also considered the Attorney General's response and Respondent's response as well as Dr. Ponzio's financial information in closed session.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY RESPONDENT'S APPLICATION FOR PAYMENT PLAN BECAUSE THE BOARD CONSIDERS THE APPLICATION PREMATURE IN SO FAR AS THE BOARD STILL DOES NOT HAVE THE NECESSARY INFORMATION THAT HAS BEEN REQUESTED BY THE BOARD ON AT LEAST TWO OCCASIONS. Dr. Criscito and Ms. DeGregorio were recused from discussion and vote in this matter.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY DR. PONZIO'S APPLICATION FOR AN UNRESTRICTED LICENSE BECAUSE THE CURRENT ORDER IS SUFFICIENT FOR HIM TO CONTINUE WITH THE RECOMMENDATIONS BY THE CPEP PROGRAM RELATING TO INTERNAL MEDICINE. Dr. Criscito and Ms. DeGregorio were recused from discussion and vote in this matter.

NEW BUSINESS

None

Respectfully submitted,

Karen Criss, R.N., C.N.M.
Chairperson for Open
Disciplinary Matters

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