

**State Board of Medical Examiners
Open Disciplinary Minutes
Disciplinary Matters Pending Conclusion
October 11, 2006**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, October 11, 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, Jordan, Lambert, Mendelowitz, Nussbaum, Paul, Reichman, Scott, Stanley, Walsh, and Wheeler.

EXCUSED

Board Members DeGregorio, Lomazow, Strand, Salas-Lopez, and Weiss

ALSO PRESENT

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

RATIFICATION OF MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE
THE SEPTEMBER 13, 2006 OPEN DISCIPLINARY BOARD MINUTES AS SUBMITTED.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

10:00 A.M. SINGH, Manjit M.D. (License # MA 29339)
CHERRY, Gloria, Esq., For Respondent
GELBER, Joan, D.A.G.

This matter was set down for oral argument and Board consideration whether to adopt, reject, or modify the recommended Initial Decision of A.L.J. Caridad F. Rigo, received by the Board's Administrative office on June 30, 2006. Judge Rigo ordered that Dr. Singh's license be suspended for 24 months (December 8, 2004 until December 8, 2006); that Dr. Singh be reprimanded for failure to maintain adequate records; under no circumstances shall he seek to borrow any money, accept any money, or anything of value for any purpose from a patient other than for payment of legitimate medical services; he will cease and desist any type of gambling; he will engage in psychological therapy for gambling addiction; participate in Gambler's Anonymous; cease and desist from control of personal finances; he must complete 120 hours of community service at the Ziek Temple; reimburse the balance of \$842,675 owed to patients; pay \$12,000 in costs to the State of New Jersey from his previous gambling indiscretions; pay costs of transcripts from the Temporary Suspension hearing and for the OAL hearings totaling \$3,431.85; pay costs incurred by the enforcement Bureau of \$6,124 plus costs of transporting the witnesses of \$565.26; and pay the Attorney General's fees in the amount of \$438,280.

By way of background, Dr. Singh's license was temporarily suspended on December 23, 2004 pending plenary hearing based on Count I regarding his borrowing money from patient A.F. and harassing her thereafter, while attempting to persuade her not to tell anyone that he sought to borrow money, but instead to say that she offered to lend him money. Count II alleged that Respondent was in violation of three prior Board Orders and that during the 1990s, Dr. Singh "borrowed" nearly one million dollars from at least 98 of his patients, many of whom were

senior citizens with chronic conditions. On October 17, 2005, an Order Denying Reinstatement was filed following Dr. Singh's petition to seek reinstatement. At that time, Respondent proposed nine practice settings which he asserted would provide adequate protections to safeguard his patients. The Board, at that time, was not persuaded that Respondent had acknowledged the seriousness of his conduct including the stress caused to his patients, the potential for gain by defrauding the vulnerable, and his failure to continue to compensate those whose savings he abrogated. Furthermore, he had not engaged in significant rehabilitation to address his behavior or made any real attempt to reconcile his bad acts with his professional obligations.

Prior to Dr. Singh's scheduled hearing on September 13, 2006, it was discovered that only one day of OAL transcripts had been provided to the Board office. On September 13, 2006, the Board, upon motion made and seconded, voted to adjourn oral argument in this matter on its own motion so that the full record from the plenary hearing from the Office of Administrative Law could be provided to the Board prior to consideration of the Initial Decision. The matter was rescheduled for October 11, 2006. During the intervening time period, it was requested that the parties provide to the Board, in writing, a statement as to the effect of the January 2006 bankruptcy discharge on the restitution payments to the patients at issue in this underlying case. The Board also noted that some of the actual transcript pages were missing from the party's exceptions and asked that those actual pages be provided.

Appearances were placed on the record as follows: Joan Gelber, Deputy Attorney General on behalf of the Attorney General of New Jersey and Gloria Cherry, Esq., on behalf of Dr. Singh.

Ms. Cherry argued that at the time of the temporary suspension, the Board concluded that a temporary suspension was appropriate and referred the matter to the Office of Administrative Law. After four days of trial before the A.L.J., an Initial Decision was issued. She recognized that the A.L.J. thoughtfully and deliberately rendered a decision based on the evidence presented. The A.L.J., according to Ms. Cherry, weighed the credibility of the witnesses and issued her version of the findings of fact.

Summarizing the matter, Ms. Cherry stated that Patient A.F. called Dr. Singh and explained that she needed to obtain a substitute medication for her Vioxx. A.F. was advised to come to the doctor's office on Saturday. An interaction took place which either resulted in Dr. Singh asking A.F. to lend him money or A.F. offering to lend money to Dr. Singh. It was noted that Dr. Singh did not deny that a discussion took place. Following the encounter, approximately two days later, Dr. Singh called A.F. and informed her that he did not need the money. She pointed out that no money was ever exchanged between them.

Ms. Cherry disputed the finding by the A.L.J. that A.F.'s medical record for the day of her visit was fabricated. She stated that the medical record that day was undated because it was a Saturday; that it was an "emergent" visit that day; and that Dr. Singh's staff was not in the office that day. This finding is the only finding in the Initial Decision that Dr. Singh disputes. Ms. Cherry went on to advise the Board that there was absolutely no evidence of an exchange of money. She urged the Board to find that there was no harassing behavior on Dr. Singh's part as alleged by a witness. She also requested that the Board find this was an isolated incident and noted that the record was replete with evidence that A.F. and Dr. Singh also had a personal relationship apart from the physician/patient relationship. She noted that the A.L.J. also found that there existed a "quasi personal relationship" between the two. Ms. Cherry noted that based on the above, the A.L.J. did not find that a revocation was appropriate in this case.

D.A.G. Gelber asked the Board to recognize Dr. Singh's pattern of deception, exploitation and denial. She noted that A.F. denied that she called Dr. Singh, but rather that Dr. Singh called her to come in to receive new medication since Vioxx was being taken off the market. D.A.G. Gelber contended that Dr. Singh never examined the patient that day, but was given new medicine to try in place of the Vioxx. She stated that, according to A.F., Dr. Singh graphically described to her how he had lent money to a friend who did not repay him and that he asked her to lend him \$10,000. When she refused, he quickly changed the amount to \$2,000 or \$3,000. A.F. advised him that she would think about it. D.A.G. Gelber stated that when asked to provide a copy of the patient records in an attempt to memorialize the Saturday visit, Dr. Singh was unable to locate them. D.A.G. Gelber noted that A.F. had spoken to her brother and sister regarding Dr. Singh's request for the money, and they both advised her not to lend

him the money, and her brother personally called Dr. Singh. D.A.G. Gelber went on to advise the Board that Ms. Cherry attempted to downplay the allegations of Dr. Singh's harassing behavior, but as A.F. testified, Dr. Singh was at her door day after day, and A.F. eventually became a prisoner in her own home out of fear.

D.A.G. Gelber noted that Dr. Singh violated the Board's Order by approaching a patient for money, failing to keep contemporaneous medical records, and harassing a patient to the point where she was afraid of him. His actions rose to a level that requires severe discipline, particularly as a second offender.

Ms. Cherry advised the Board that Dr. Singh never believed he was going to escape paying restitution to his patients. She acknowledged that when his license was suspended and he was unable to earn a living, he was not financially able to pay the restitution. She further noted that Dr. Singh had not gambled for seven or eight years prior to Memorial Day 2004. From that time until November 2004, he attempted to gamble because he did not believe he was addicted any longer. As a result of his hard work over the seven years when he was not gambling, he was able to build his practice and had an exemplary career. She urged the Board to accept the findings of fact and penalties imposed by the A.L.J.

Motion was made and seconded to move into executive session for deliberation and advice of counsel. All parties, except counseling deputies and administrative staff, left the room.

The Board returned to open session and announced its decision.

UPON MOTION MADE AND SECONDED, THE BOARD VOTED TO ADOPT THE FINDINGS OF FACT IN THEIR ENTIRETY AS DETERMINED BY THE A.L.J. WITHOUT MODIFICATION AND THAT THE STATE SUSTAINED ITS BURDEN OF PROVING THE ALLEGATIONS OF THE VERIFIED COMPLAINT. THE BOARD, HOWEVER, MODIFIED THE CONCLUSIONS OF LAW TO FIND THE FOLLOWING: THAT DR. SINGH ENGAGED IN PROFESSIONAL MISCONDUCT; THAT HE VIOLATED THE PATIENT RECORD RULE; THAT HE FAILED TO MAINTAIN THE ON-GOING REQUIREMENT OF GOOD MORAL CHARACTER; AND THAT RESPONDENT IS UNABLE TO DISCHARGE HIS DUTIES AS A LICENSEE IN A MANNER CONSISTENT WITH THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF NEW JERSEY. ADDITIONALLY, THE BOARD FOUND DR. SINGH'S CONDUCT WAS REPETITIVE AND CONSTITUTED SEPARATE ACTS WITH REPETITIVE PRIOR BEHAVIOR AS PROHIBITED BY PRIOR ORDER. THE BOARD'S DECISION AS TO THE FINDINGS OF FACT AND CONCLUSIONS OF LAW WILL BE FOLLOWED WITH A MORE DETAILED RATIONALE IN AN ORDER OF THE BOARD.

The Board turned to the mitigation portion of this matter.

Ms. Cherry advised the Board that Dr. Singh would present his mitigation testimony.

After being sworn in, Dr. Singh thanked the Board for the opportunity to explain some of the events that may have led to his present problems. He reminded the Board that he is a compulsive gambler and that his license had previously been suspended. At that time, he told the Board, he lost everything. He started attending Gamblers Anonymous and was able to stop gambling for a period of eight years and began to turn his life around. He then joined Bergen Family practice and, although he was salaried, he began to establish a solid practice. Consistent with the prior Orders of the Board, he started making restitution payments and continued until December 2004. He recounted that his problems re-started toward the end of 2003. Because he had abstained from gambling for such a long period of time, he foolishly believed he could gamble from time to time. As with all addictions, the more he gambled, the more compulsive he became. Finally, in November 2004, he realized just how obsessed he was and admitted he had as big a problem as he had when it all began. He testified that he hit rock bottom, admitted his problem to his wife, and once again became active in Gamblers Anonymous although, retrospectively, he should have been more involved in it than he was. He testified that he has developed a deeper insight into his problem and has a better understanding of his addiction. His involvement in GA, he continued, has escalated and he believes that he reaches out to someone in GA on a daily basis. Because of the devastation and humiliation of this experience, he promised the Board that he would never discuss finances with a patient ever again. He acknowledged that because of his addiction, he has let his patients down, and in the process, let himself and his family down. Looking back at the experience, he realizes that he should have immediately refused when A.F.

offered to give him the money.

Turning the Board's attention to the medical record issue, Dr. Singh argued that the Attorney General reviewed hundreds of his records and could not find anything improper with his record keeping. He also noted to the Board that he did not have to fabricate a medical record to borrow money from A.F. Although he has attempted to understand the reason anyone would fabricate such an incomplete record, he assured the Board that he did not do so. Dr. Singh also asked the Board to recognize that he and A.F. had a personal relationship. Retrospectively, he agreed that he exercised poor judgment and promised the Board that nothing like this would ever happen again. He told the Board that he has committed himself to staying clean and on the straight and narrow. He further acknowledged that in the event that he does relapse in his addiction, he realizes that it will be the end for him.

Addressing the restitution issue, Dr. Singh informed that Board that he wants to make full restitution, as he sees this as a critical part of his recovery. He recognizes that it is his obligation, and although the payment schedules may have to be minimal, he is committed to paying it back. He concluded by apologizing to his patients and particularly A.F. He recognizes that he let them, as well as his family, down. Dr. Singh offered his apologies to the Board for his lapse in judgment. He again stressed his commitment to seeking treatment for this disease and urged the Board to permit him to continue to practice medicine. Dr. Singh believes that as long as he stays with the program, he is sure that he can continue to provide good quality care to his patients.

Ms. Cherry urged the Board to accept the penalty recommended by the A.L.J. She reminded the Board that the A.L.J. conducted the trial and made an assessment of the credibility of the witnesses. The A.L.J. was in the best position to make the penalty determination, and she again asked the Board to impose the same penalty that was recommended.

Dr. Singh clarified that although he has declared bankruptcy, the debt that he owes in restitution was not discharged. He was not aware of whether or not the debt that he owes to the State of New Jersey was discharged. He believed there were two components to his restitution; one was his private obligation to his patients, and the other component was the criminal aspect of the matter. He did not believe that these debts were discharged as explained by his attorney.

In addition to his participation in GA, Dr. Singh testified that he also sees a psychologist on a regular basis. He believed that GA worked for him for eight years and he relapsed not because of the program, but because he failed the program. While he acknowledged that he could not assure the Board that he would not relapse, he could assure the Board that he is dealing with his addiction on a day-to-day basis. He knows that he will not gamble today and that when he wakes up tomorrow, he will once again recommit himself to not gambling tomorrow.

D.A.G. Gelber noted to the Board that Dr. Singh attempted not to disclose his time share vacation home in Cancun when dealing with the issue of restitution. She also noted that he failed to note all losses from gambling within the last year, while he admitted that he had been gambling over a period of time prior and admitted that he had losses during that time. She offered this information as a continuing pattern of his deception and dishonesty and argued against all recommendations made by the A.L.J. D.A.G. Gelber noted that the A.L.J. recommended Dr. Singh stay away from gambling and that he not approach any patients for money, but questioned the ability of the Board to monitor this recommendation. She further noted that Dr. Singh lied in the past, and there is no assurance that he would not continue to lie. He has gone out of his way to hide his problems, and there is absolutely no reason to believe he will not relapse again at this point in time.

D.A.G. Gelber noted that over the last couple of years, there has been no effort on Dr. Singh's part to repay the victims. While he may not be earning the amount he did in the past, he is making money, yet a bona fide effort to repay his patients has not been made.

D.A.G. Gelber posited that the only way to protect the public from his deception and deceit is to revoke Dr. Singh's license. His last act of desperation was when he asked A.F. to lie for him. It was the Attorney General's opinion that Dr. Singh misused his license, and she advised the Board that Dr. Singh should further be required to pay all costs of the hearing.

D.A.G. Gelber continued by advising the Board that, in light of his repeated acts of dishonesty and deceit, Dr.

Singh showed a total disregard of his respect for the medical profession. She noted that, regardless of the patient care provided, the physician's dishonesty in this matter is so inimical to the doctor's practice, that he cannot be permitted to continue to treat patients. The public expects and deserves the right to maintain trust and a belief of honesty by practitioners in this State. The Board is charged with protecting the public from such acts of dishonesty and deceit as exhibited by Dr. Singh.

Motion was made and seconded to move into executive session for deliberation and advice of counsel. All parties, except counseling deputies and administrative staff, left the room.

The Board returned to open session and announced its decision.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AMEND THE A.L.J.'S RECOMMENDED PENALTY AND VOTED TO REVOKE DR. SINGH'S LICENSE UNTIL SUCH TIME AS HE CAN DEMONSTRATE AT LEAST 50% OF THE REMAINING RESTITUTION PRESENTLY OWED TO PATIENTS HAS BEEN PAID. AT SUCH TIME, HE MAY PETITION THE BOARD FOR AN APPEARANCE BEFORE A COMMITTEE OF THE BOARD TO DEMONSTRATE HIS FITNESS TO RETURN TO PRACTICE. THE BOARD ALSO ORDERS THAT HE SHALL NOT SEEK TO BORROW ANY MONEY OR SEEK ANYTHING OF VALUE FROM ANY PATIENT, PAST OR PRESENT. AT THE TIME OF RE-APPLICATION, DR. SINGH SHOULD BE PREPARED TO DEMONSTRATE THAT HE HAS CEASED AND DESISTED FROM GAMBLING, UNDERWENT PSYCHOLOGICAL EXAMINATION AND THERAPY FOR HIS ADDICTIONS, PARTICIPATED IN GAMBLER'S ANONYMOUS, SUBMITS A PAYMENT PLAN FOR THE REMAINING 50% OWED TO HIS PATIENTS, AS WELL AS THE FULL AMOUNT OF COSTS RECOMMENDED BY THE A.L.J. AND A CIVIL PENALTY IN THE AMOUNT OF \$40,000. THE BOARD RECOGNIZED THAT WHILE THE A.L.J. DID NOT ASSESS A PENALTY IN THIS CASE, GIVEN THE REPETITIVE NATURE OF DR. SINGH'S BEHAVIOR AND HIS FLAGRANT DISREGARD OF THE BOARD'S PRIOR ORDERS, IT VOTED TO ASSESS A PENALTY IN THE AMOUNT OF \$40,000. THE BOARD FURTHER NOTED, HOWEVER, THAT IT WAS WITHIN ITS DISCRETION AT THE TIME OF RE-APPLICATION TO DEVELOP A PAYMENT PLAN FOR THE MONIES OWED.

AN ORDER MORE FULLY EXPLAINING THE BOARD'S RATIONALE WILL FOLLOW.

OLD BUSINESS

LEE, Anna D., M.D. (License #MA064330)
LENTZ, Gavin P., Esq.
GELBER, Joan D., D.A.G.

The Administrative Office received a request from Mr. Lentz petitioning the Board for modification of the final Order filed by the Board on June 8, 2005 in the matter of Dr. Lee. Both Mr. Lentz and D.A.G. Gelber were provided with Dr. Gluck's reports of June 12, 2006 and August 31, 2006 regarding the monitoring of Dr. Lee to date and were informed that they will be permitted to submit comments concerning the reports to the Board in their responsive papers.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE REQUESTED MODIFICATION OF THE FINAL ORDER OF JUNE 8, 2005. DR. LEE IS DIRECTED TO COMPLETE THE FULL TWELVE MONTHS OF MONITORING AS STATED IN THE FINAL ORDER.

Respectfully submitted,

Karen Criss, R.N., C.N.M.

Chairperson for Open Disciplinary Matters

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