

**NJ STATE BOARD OF MEDICAL EXAMINERS
DISCIPLINARY MATTERS PENDING CONCLUSION -
OPEN MINUTES -October 19 , 2005**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, October 19, 2005 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 Glenn Farrell, Chairperson for Open Disciplinary Matters.

PRESENT

Board Members Ciechanowski, Criss, Farrell ,Harrer, Huston, Lomazow, Mendelowitz, Patel, Paul, Perry, Robins, Ricketti, and Walsh.

EXCUSED

Board Members Criscito, Haddad, Harrer, Rokosz and Weiss.

ABSENT

ALSO PRESENT

Acting Attorney General Sharon Joyce, Senior Deputy Attorney General Dick, Deputy Attorneys General Baudry, Cordoma, Ehrenkrantz, Flanzman, Gelber, Kenny, Levine, Warhaftig, Executive Director Roeder, Medical Director Gluck and Medical Education Director Blanks.

RATIFICATION OF BOARD MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE SEPTEMBER 14, 2005 OPEN DISCIPLINARY BOARD MINUTES AS SUBMITTED.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

**10:00 a.m. PATEL, Prahlad M., M.D. (License # MA 54438)
(COUNSELING DAG: LEVINE, Debra W.)
SOCEY, Rudolph A., Esq. for Respondent
CORDOMA, Megan D.A.G. for Complainant**

Dr. Huston and Mr. Walsh were recused from discussion and vote in the matter and left the table.

This matter was scheduled for the Board's consideration of ALJ's Jeff Masin's Initial Decision rendered on September 2, 2005 in the matter of Prahlad M. Patel. The Board was asked to accept, reject or modify the OAL's decision. The Judge in the Initial Decision did not recommend a suspension or revocation, but rather that Dr. Patel should not practice emergency room medicine. While Dr. Patel apparently did not do so at that time, the Judge concluded that a permanent ban on his involvement in such practice was appropriate. The Judge also recommended that Dr. Patel not treat children under the age of three years for the next year, except under the monitoring of a Board Certified pediatrician, with assessments sent to the Board. Dr. Patel would be permitted to petition for removal of the monitoring requirement after one year. The Judge further recommended a \$35,000 penalty and costs of investigation and prosecution, including expert fees, and one- half of the costs of transcripts.

The Board upon motion made and seconded, moved to go into executive session for advice of counsel and discussion of a proposed settlement.

Deputies, other than counseling, left the room.

The Board returned to open session, with all members of the public present.

Chairman Farrell indicated that the Board was on the record in the matter of Dr. Prahlad Patel and asked for the appearances of the counsel. Megan Cordoma, DAG on behalf of Peter C. Harvey, Attorney General of New Jersey and Rudolph A. Socey, Jr. on behalf of respondent, Dr. Patel. The Chair indicated that there was a proposed settlement embodied in the terms of a Consent Order. Mr. Farrell asked DAG Cordoma to read the Order to ensure that the Respondent was in agreement with the terms of the Order.

DAG Cordoma indicated that this matter was opened to the New Jersey Board of Medical Examiners upon the filing of an administrative complaint on June 16, 2003 alleging that Dr. Patel failed to appropriately evaluate and treat infants J.H. and M.S. when they were presented to the Emergency Room Department. The hearing in this matter began on November 16, 2004 before ALJ Jeff Masin who heard the case over a period of three additional days. On September 1, 2005, ALJ Jeff Masin issued an initial decision in which he found respondent grossly negligent in his care of both J.H. and M.S. The hearing on the exceptions to the initial decision was scheduled before the Board of Medical Examiners for October 19, 2005. The Respondent desired to resolve this matter without further disciplinary proceedings and the Board finding that the public health, safety and welfare are protected by the entry of this Order and for other good cause shown, it was ordered and agreed that Respondent's medical license be suspended for two years, the entire period to be stayed and served as a period of probation, effective upon the date of entry of the Order. Respondent shall immediately cease and desist from treating any patient under 12 years of age for a minimum of two years, except under the monitoring of a Board approved pediatrician. Respondent shall cause the monitor to submit quarterly reports to the Medical Director of the Board of Medical Examiners advising as to his or her assessment of Respondent's management of such children as he treats within this age group. Respondent may petition the Board to lift the monitoring requirement after the two year period. Respondent shall immediately cease and desist from working as an emergency room physician until further order of the Board. Respondent shall pay civil penalties in the amount of \$30,000 and attorney's fees, costs of investigation, costs of expert review and half of the transcription fees in the amount of \$50,000 a total amount of \$80,000 which shall be made by check or money order payable to the NJ Board of Medical Examiners.

If Respondent fails to comply with the terms of paragraph four, a certificate of debt shall be filed for the entire amount owed to the Board of \$80,000 which will only be discharged by Respondent's payment of this debt in full. Respondent shall comply with the directives applicable to any Medical Board licensee who is suspended, revoked or whose surrender of license has been accepted. The parties have conferred and have agreed upon the settlement as read to the Board and the settlement would resolve this matter in its entirety should it be accepted by the Board.

After reading the terms of the Consent Order by DAG Cordoma, the Chair asked respondent's counsel, Mr. Socey if his client had any objection to being sworn in to testify to the agreement to the terms of the Consent Order. Dr. Patel was sworn by the court reporter and testified that he was present when the DAG read the terms of the proposed settlement and that he fully understood the terms and that he intended to abide by the terms. The respondent further testified that he had the opportunity to speak with his counsel regarding the proposed settlement and that his counsel adequately explained the settlement terms.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PROPOSED SETTLEMENT IN THE MATTER OF DR. PATEL AND THAT THE TERMS OF THE CONSENT OFFER RESOLVED THIS MATTER IN ITS ENTIRETY.

**1:00 PM GOLDSTEIN, Jerrold B., D.O. (License # MB 22185)
(COUNSELING D.A.G.: DICK, Sandra V.)
KERN, Steven Esq., for Respondent
BAUDRY, Adriana D.A.G. for Complainant**

Drs . Ciechanowski and Robins recused from discussion and vote in this matter and left the meeting.

ALJ Reiner's Initial Decision rendered on May 2, 2005 was provided at the May 11, 2005 meeting for the Board's review in the matter of Jerrold B. Goldstein D.O. Attached was D.A.G. Baudry's May 13, 2005 letter requesting the Board to accept, reject or modify the OAL's decision revoking Dr. Goldstein's license to practice medicine in the State of New Jersey and the assessment of total penalties in the amount of \$270,000 as well as the payment of such costs and expenses as the Board may determine. In addition, attached were the certifications on which D.A.G. Baudry requested the Board's consideration in support of the Attorney General's application for fees and costs.

The Board upon motion made and seconded, moved to go into executive session for advice of counsel. Deputies, other than counseling, left the room.

The Board returned to open session, with all members of the public, including staff, present.

The Board returned to Open Session, and Chairman Farrell indicated that they were on the record in the matter of Dr. Jerrold Goldstein. Adriana Baudry on behalf of the Attorney General of New Jersey and Steven Kern, Kern, Augustine, Conroy & Schoppmann and Daniel Marchese on behalf of Respondent, Dr. Jerrold B. Goldstein, placed their appearances on the record.

The matter was before the Board for consideration of the exceptions of the ALJ and to hear oral argument as indicated by letter of September 9, 2005. The Chair indicated that there would be 30 minutes of oral argument allowed for each side and that if the Board determines a basis for imposition of liability, the Board would then move to a mitigation hearing.

Board President Bernard Robins recused himself from the proceeding at the request of Mr. Kern. The Chair asked Mr. Kern if there was any objection to Dr. Perry and Dr. Paul, two Board members who were currently involved in matters being handled by Mr. Kern's firm, and counsel indicated that he had no objection to their participation in the hearing.

Mr. Kern questioned whether a quorum existed. It was determined that a quorum existed.

In his opening statement, Mr. Kern informed the Board that the case before them centered around the question of whether or not there was more than one acceptable approach to treating patients suffering from depression, loss of libido, sexual dysfunction, lethargy and other related symptoms. Counsel added that ALJ Reiner concluded that it was necessary to choose between only two approaches to treatment. One approach was that espoused by endocrinologist Dr. Stock, and the other by endocrinologist Dr. Morgentaler. Mr. Kern believed that the ALJ erred in that she did not have to choose between only two approaches. He opined that much of what the ALJ rejected was clearly appropriate, reasonable and as demonstrated by the Respondent's evidence, even part of mainstream medicine.

Respondent's counsel referenced D.A.G. Baudry's brief in which she stressed that Dr. Stock's view was that it was not natural to restore testosterone levels in older men to those levels that existed at age 30. Mr. Kern questioned the appropriateness of Dr. Stock's statement because much of modern medicine involves the interference with nature. Counsel indicated that Dr. Goldstein had successfully treated hundreds of patients with great outcomes. He added that there was no evidence of even one patient complaint regarding Dr. Goldstein's treatment.

Mr. Kern stated that the State's expert believed medical treatment must be based upon a "cookbook" approach while Dr. Morgentaler, a Harvard expert and world-renowned expert in testosterone replacement therapy, took a very different approach. It was Mr. Kern's belief that there exists more than two approaches to medical care of the patients treated by Dr. Goldstein.

Mr. Kern added that the Attorney General's claim that Dr. Stock's testimony was based upon recognized

standards of care was based upon her argument that there are eight documents which set that standard. Counsel indicated that he had provided to the Board numerous articles including the “Summary of the Second Annual Andropause Consensus Meeting,” the “AACE Guideline,” and “Androgen Replacement Therapy.” It was Mr. Kern’s opinion that the articles failed to support Dr. Stock’s views. Mr. Kern continued to reference all of the remaining eight articles and opined that none of the articles demonstrated any evidence of a standard of care in any published material.

In the Attorney General’s opening statement, DAG Baudry reminded the Board that ALJ Reiner, through ten days of testimony, heard all of the evidence in this case and she arrived at a reasonable opinion. The State believed that the only logical conclusion was that Dr. Goldstein repeatedly committed negligence and gross negligence by mis-diagnosing, mistreating, and over-prescribing dangerous medications to his patients. The grossly negligent care posed a serious risk of harm to all of Dr. Goldstein’s patients involving changes in blood lipids, abnormal liver function, increased risk of cardiovascular disease, testicular atrophy, and gynecomastia. The Attorney General argued that Judge Reiner correctly found Dr. Stock’s testimony more persuasive and added that the evidence in the case supported Dr. Stock’s determination, not Dr. Morgentaler’s.

The State continued, referencing the fourteen patients who were mis-diagnosed and mistreated during their care by Dr. Goldstein. Ms. Baudry recounted Dr. Goldstein’s mis-diagnosing of hypogonadism and the prescribing of testosterone beyond the accepted normal amounts to be given. Further documenting unnecessary treatments, tests and medications and the lack of record keeping for the fourteen patients all validating her argument that ALJ Reiner correctly opined in her decision, that aside from all of the negligent and grossly negligent care rendered to his patients, Dr. Goldstein obviously had an ulterior motive. That ulterior motive was to have the patients repeatedly return to him for his own financial gain. The Attorney General urged the Board to accept ALJ Reiner’s decision in its entirety.

Mr. Kern, in rebuttal, questioned the logic in DAG Baudry’s argument. Dr. Goldstein, according to the Attorney General, routinely mis-diagnosed and mistreated, but the patients got better. Mr. Kern questioned how the patients’ condition improved if they were mis-diagnosed and mistreated. He questioned how patients were placed in grave harm, but no one was injured. He reiterated that the State could not find one patient who was injured, who was unhappy with the care rendered, or who complained about anything Dr. Goldstein did. Mr. Kern further argued that this case was overstated and overinflated from the beginning. He urged the Board to reject the ALJ’s findings, which he believed were simply based on her choosing Dr. Stock to be more credible than Dr. Morgentaler.

DAG Baudry in rebuttal questioned the existence of evidence that any patients got better under Dr. Goldstein’s care. The State argued that the patients might have felt better, but they had been at serious risk of harm. Counsel distinguished the difference between primary hypogonadism and secondary hypogonadism, arguing that Dr. Goldstein never looked into the causes because the patients did not, in fact, have hypogonadism. It was her opinion that Dr. Goldstein created that diagnosis. The Attorney General urged the Board to read all of the articles and all of the evidence provided and not to rely on the one or two sentences that counsel had highlighted for them, in hopes that they would not read the rest. Ms. Baudry again urged the Board to adopt ALJ Reiner’s findings in full. The Attorney General added that the ALJ choose Dr. Stock’s opinion because she saw the evidence, and the evidence supported Dr. Stock’s opinions.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GO INTO CLOSED SESSION FOR DELIBERATIONS AND ADVICE OF COUNSEL.

Deputies, other than counseling, left the room.

The Board returned to Open Session, with all members of the public, including deputies, present, and announced the following motion.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADOPT THE FINDINGS OF FACT AS SET FORTH IN THE INITIAL DECISION OF THE ALJ, WITH THE EXCEPTION OF FINDING OF FACT NUMBER 17 ON PAGE 70 OF THE DECISION, WHICH IS MODIFIED TO READ AS FOLLOWS:

NUMBER 17, "THE EFFECTS OF ABUSING STEROIDS MAY, IN CERTAIN CIRCUMSTANCES, BE REVERSIBLE."

AS TO CONCLUSIONS OF LAW, THE BOARD ADOPTS THE CONCLUSIONS OF LAW AS SET FORTH BY THE ADMINISTRATIVE LAW JUDGE, EXCEPT AS FOLLOWS:

IN COUNTS 1,3,4,5,8,9,12 AND 14, ONE WORD IS CHANGED SO THAT THE REFERENCE TO VIOLATIONS OF N.J.S.A. 45:1-21 © "OR" (D), IS CHANGED TO "AND."

IN ADDITION, COUNTS 2,6,8,10,11, AND 13 ARE MODIFIED TO ELIMINATE THE REFERENCE TO N.J.S.A. 45:1-21 © GROSS MALPRACTICE. THAT IS, THE FINDINGS IN EACH OF THOSE COUNTS AS TO GROSS MALPRACTICE ARE ELIMINATED.

The Motion carried unanimously.

Chairman Farrell asked that another matter be put on the record, noting that Dr. Ricketti did enter the room during argument and prior to commencing deliberations, Dr. Ricketti reviewed the transcript of oral argument up until the point at which he came into the room. Also, Dr. Ricketti was present earlier in the day and had the materials available to him prior to participating in the deliberations.

The Chair indicated that the Board would proceed to the mitigation phase of the hearing. Mr. Kern informed the Chair that his client lost some witnesses during the day due to the extension of time, but affidavits would be provided to the Board. Counsel also noted that Mr. Daniel Marchese would handle the mitigation portion of the proceeding.

Mr. Marchese placed his appearance on the record and added that his witnesses for mitigation purposes were: Neil Butler, William DeMarco, Ted Wardell, and Richard Stompf. Witness Richard Roberts may also return to participate in the proceeding. Counsel also provided five, two-page affidavits. It was noted that DAG Baudry had not been provided with the affidavits, and she was provided time to review the documents and state any objections. DAG Baudry noted that it was her opinion the documents were not sworn affidavits, but merely signed certified documents. The Chair admitted the certifications into evidence (Exhibit R-1)

Mr. Marchese called his first witness, William DeMarco, Esq. Mr. Demarco testified that he came to know Dr. Goldstein when he represented him on occasion and later developed a friendship. He testified that he expressed concern to Dr. Goldstein that he was frequently tired and asked his advice regarding treatment. He explained to the Board that Dr. Goldstein ordered blood work and he began receiving injections on a weekly basis and was provided with medication in the form of a patch. Mr. DeMarco testified that he began to feel substantially better. He did not believe that Dr. Goldstein over tested him or that he was in any way wronged by the Respondent. Mr. DeMarco expressed his satisfaction with the care provided to him by Dr. Goldstein.

Mr. Marchese called the second witness, Mr. Ted Wardell and the witness was sworn. He informed the Board that he was a Senior Account Executive for an insurance brokerage firm for eleven years. He had previously been a councilman and a mayor for 16 years and testified that he began treatment with Dr. Goldstein two or three months after turning 50 years old. He testified that for most of his adult life he had struggled with morbid obesity, high cholesterol, and edema. After receiving hormone replacement therapy, his life began to change dramatically, and he lost 133 lbs. He continued by explaining that the treatments enabled him to live a better life and the joy came back to his life as a result of his treatments. He felt that Dr. Goldstein helped him dramatically and that he never felt dissatisfied with the care provided to him.

Mr. Marchese called three more witnesses, and they all testified as to the treatments received during their care with Dr. Goldstein and how their lives had changed dramatically after receiving treatment by Dr. Goldstein. All of the witnesses testified that they never experienced any ill side effects and that they were very satisfied with the treatments. Additionally, all witnesses stated that Dr. Goldstein did appropriate testing, work ups and follow ups with them during their treatment. Dr. Goldstein, according to each witness, fully explained the reasons why the

treatments were necessary and what the patient should expect. The State had no cross-examination for any of the witnesses.

Mr. Marchese called Dr. Goldstein to testify. He began his testimony by explaining that he wanted to work in the field of Hormone Replacement Therapy because he believed he was able to help many of his patients overcome debilitating afflictions including lethargy, depression, mood swings, insomnia, obesity, diminished libido, and other related conditions with this treatment. Dr. Goldstein added that during his years of practice, he has had three offices, two in Florida and one in New Jersey. He saw hundreds of people with the same problem. A typical patient, for example, was a 68-year-old gentleman he saw approximately one and one-half years ago in Florida. The patient was an ex-marathon runner who experienced lethargy to the point where he got no exercise and became basically sedentary. He had seen many physicians and psychiatrists, but at the urging of his daughter, began treatment with the Respondent. His testosterone level was 140 at the onset, and he began testosterone treatments every two weeks under the care of Dr. Goldstein. He began to feel more energetic, less depressed, less lethargic and, as a result, regained his life. This was the typical patient population that Dr. Goldstein treated throughout the years. Dr. Goldstein testified that he never received complaints from his patients, male or female, and never had a malpractice case in either state where he was licensed. Dr. Goldstein testified that to his knowledge there was no standard of care for testosterone replacement as it is a new field. He stated that he always performed lab work on his patients and monitored his patients' levels carefully.

Respondent testified that he was a recovering alcoholic with 24 years of sobriety when he relapsed one and one-half years ago. He is currently being monitored and since they have increased his random testing, his urine screens have been negative. He testified that the investigation has taken a tremendous toll on his life and his family. He articulated that during the pendency of these hearings, he attempted to take his own life. He turned to the Board for help and asked that the Board not revoke his license to practice medicine. He added that for him to lose his license to practice medicine would be devastating. He believed that he was a good physician.

There was no cross-examination by the State nor any Board member questions of this witness.

D.A.G. Baudry marked into evidence Attorney Costs and the Certification of William V. Roeder, Executive Director as to costs and fees in the case. She indicated that she had provided counsel with a copy previously, but could provide another if Mr. Kern did not have it. Mr. Kern asked to have the opportunity to examine the deputy regarding the reasonableness and appropriateness of the costs. D.A.G. Baudry indicated the Mr. Kern was sent a copy of the certification in June of 2005 before the first hearing which was subsequently adjourned. When asked by the Chair if counsel wished to be heard as far as objection to the certification, Mr. Kern indicated that he felt he had the right to challenge the application for costs and was entitled to a proceeding to determine the reasonableness and appropriateness of the costs. Mr. Kern indicated that the material was not conclusive and he needed to have a separate proceeding to deal with the certification submitted by the Attorney General.

D. A.G. Baudry responded that there should not be a trial within a trial. As Mr. Kern is fully aware, she continued, applications for costs, including attorneys fees, are routinely submitted to the Board by way of certifications, and the Board has the expertise and experience in reviewing the costs and fees associated with the case. She further believed that the Board was capable of determining the reasonableness of such costs and fees and that the Board was familiar with such expert fees. Mr. Kern has had more than ample time to challenge the certifications since he was provided with copies in June 2005. Therefore, the State believed it unreasonable to entertain the notion that somehow Mr. Kern had the right to have another hearing or another proceeding to determine the reasonableness of those costs.

The Chair ruled that they would allow the documents into evidence and at the conclusion of the matter the Board would consider whether or not they would permit any additional opportunity for argument considering that this information had been in possession of counsel since June of 2005.

The Attorney General, in closing statement, asked that the Board affirm ALJ Reiner's Initial Decision in its entirety. The Board had found that Dr. Goldstein engaged in active deception, misrepresentation, repeated negligence, gross negligence and malpractice, indiscriminate prescribing and record keeping violations. DAG

Baudry added that Respondent showed no remorse whatsoever and sat before the Board insisting that his way of practicing medicine is within the standard of care.

She referenced how the Board heard from the various witnesses on Dr. Goldstein's behalf but added that they did not fit the typical patient that was seen in this case, namely, a 30-year-old male. His witnesses were older and they complained of fatigue, lack of libido, etc. and they felt better after treatment. The Attorney General opined that Dr. Goldstein should not practice medicine, his license should be revoked, and all costs should be submitted to the Board. Judge Reiner assessed costs on the counts, but did not go so far as assessing costs for each violation which, by Statute, the Board is entitled to do. She stated that the costs and penalties assessed by the ALJ were generous.

In his closing statement, Mr. Kern stated that the Board was being asked to decide the punishment for a physician making patients feel better. He reminded the Board that Dr. Goldstein had no malpractice incidents against him. Mr. Kern also reminded the Board about the Appellate Decision regarding the Zahl matter which discusses the suspension of a doctor's license when there is no evidence of injury or harm. Counsel reiterated that not only is there no evidence of injury or harm in this matter, but the only evidence before the Board is that each and everyone of the patients at issue, benefitted by the care rendered by Dr. Goldstein, thus there was no basis to revoke his client's license.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO GO INTO EXECUTIVE SESSION FOR DELIBERATION.

Deputies, other than counseling, left the room.

The Board returned to Open Session, with all members of the public, including deputies, present, and announced the following motion.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO ADOPT WITHOUT MODIFICATION THE RECOMMENDATIONS MADE BY ALJ REINER REGARDING THE PENALTY TO BE IMPOSED IN THIS MATTER BASED ON THE GRAVITY AND MAGNITUDE OF THE FINDINGS IN THIS CASE AND DUE TO THE SIGNIFICANCE AND DANGER IN THIS CASE. THEREFORE, THE BOARD VOTED THAT DR. GOLDSTEIN'S LICENSE BE REVOKED AND PENALTIES of \$270,000 BE IMPOSED.

AS TO COSTS, ALTHOUGH COUNSEL HAS HAD AMPLE OPPORTUNITY TO PREPARE A RESPONSE TO THE COST APPLICATION SUBMITTED IN JUNE, THE BOARD PERMITTED AN OPPORTUNITY TO RESPOND IN WRITING AS TO THE SPECIFIC OBJECTIONS AND ANY ASSERTED NEED FOR FURTHER PROCEEDINGS. THE BOARD, HOWEVER, ALSO PERMITTED THE ATTORNEY GENERAL TO SUBMIT ADDITIONAL COSTS INCURRED TO THE PRESENT TIME. THEREFORE, THE ATTORNEY GENERAL SHALL HAVE FIVE (5) BUSINESS DAYS BEGINNING TOMORROW TO SUBMIT ADDITIONAL INFORMATION AS TO COSTS INCURRED. THEREAFTER, RESPONDENT SHALL HAVE FIVE (5) DAYS TO SUBMIT WRITTEN SPECIFIC OBJECTIONS AS MENTIONED. FOLLOWING THAT SUBMISSION, THE ATTORNEY GENERAL WILL HAVE FIVE (5) ADDITIONAL BUSINESS DAYS FOR A RESPONSE. THE BOARD WILL CONSIDER THE COSTS APPLICATIONS ON THE PAPERS AT ITS NEXT MEETING.

A WRITTEN ORDER WILL FOLLOW MORE FULLY ARTICULATING THE BOARD'S REASONING IN THIS MATTER.

Mr. Kern motioned for a stay pending appeal.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY MR. KERN'S REQUEST FOR A STAY.

OLD BUSINESS

**1. ADISSON, LeClerc M., M.D. (Lic. #MA 45653)
SCOCA, Vincent C., Esq. for Respondent
GELBER, Joan D., D.A.G. for Complainant**

This matter was set down before the Board of Medical Examiners for the ratification of Board President Bernard Robin's signature on a fully signed Final Order revoking Dr. Adisson's license to practice medicine and surgery in the State of New Jersey. All relevant materials regarding this matter were provided for the Board's review and consideration.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RATIFY THE SIGNATURE OF BOARD PRESIDENT BERNARD ROBINS' ON THE FINAL ORDER REVOKING DR. ADISSON'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY.

**2. JANI, Axat M.D. (Lic.# MA 66016)
(FLANZMAN, Steven N.,: Counseling D.A.G.)
CONROY, Robert Esq. for Respondent
Krier, Shiobhan D.A.G. for Complainant**

Enclosed for the Board's review and consideration was Mr. Robert Conroy's September 29, 2005 Opposition to Application of the Office of Attorney General/Attorney Fees and Costs.

Also, handed out for the Board's consideration was DAG Krier's October 14, 2005 Reply Brief in Opposition to Counsel's Objection to the Attorney General's Fees and Mr. Conroy's October 17, 2005 response to the reply brief submitted by the Office of the Attorney General.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO GO INTO EXECUTIVE SESSION FOR ADVICE OF COUNSEL.

Deputies, other than counseling, left the room.

The Board returned to Open Session, with all members of the public, including deputies, present, and announced the following motion.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE ATTORNEY GENERAL'S SUBMISSION FOR ATTORNEY'S FEES APPLICATION EXCEPT FOR 3/10s OF AN HOUR SOUGHT FOR PREPARATION OF PRESS RELEASES, BUT TO GRANT THE REMAINDER OF THE APPLICATION FOR ATTORNEY'S FEES FOR AN AGGREGATE TOTAL OF \$9,531.00 AND ATTORNEY'S FEES AND GRANTS THE ENTIRETY OF THE \$874.57 IN INVESTIGATIVE FEES THAT WERE SOUGHT FOR AN AGGREGATE TOTAL OF ATTORNEY'S FEES AND INVESTIGATIVE COST OF \$10,405.57.

NEW BUSINESS

**1. SISTER-STATE MATTERS - Proposed Consent Order & Rescinding POD
LAKNER, George Stephen M.D. (Lic. #MA 417260)
PALAN, Tobey D.A.G. for Complainant**

D.A.G. Palan's September 30, 2005 memo to the Board requested that the Board approve her request to settle the matter by way of Consent Order as discussed in her memo. In addition, assuming the Board approved DAG Palan's request to settle this matter by way of Consent Order, and therefore the Board rescinded the POD.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE CONSENT ORDER DISCUSSED IN D.A.G. PALAN'S MEMO IN SETTLEMENT OF THIS MATTER.

**2. SISTER-STATE MATTERS - Unsuccessful in Obtaining Residency
NIGAM, Balkrishna M.D. (Lic. # MA 39594)
Brown, Joyce D.A.G. for Complainant**

Attached for the Board's review and consideration was D.A.G. Brown's September 30, 2005 memo requesting an alternative(s) to the recommendation that he undergo a full one year residency as he was unsuccessful in securing a position in a residency program.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE DAG BROWN'S REQUEST IN THE MATTER OF DR. NIGAM.

The meeting ended at 8:02 p.m.

The meeting ended at 6:10 p.m.

Respectfully Submitted,

Glenn Farrell, Esq.
Chairperson for Open
Disciplinary Matters

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