

**OPEN MINUTES - N.J. STATE BOARD OF MEDICAL EXAMINERS - PG. 1**  
**DISCIPLINARY MATTERS PENDING CONCLUSION - NOVEMBER 4, 2009**

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A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, November 4, 2009 at the Richard J. Hughes Justice Complex, 25 Market Street, 4<sup>th</sup> Floor Conference Center, Trenton, New Jersey for Disciplinary Matters Pending Conclusion, open to the public. The meeting was called to order by Dr. Jordan, Chairperson for Open Disciplinary Matters.

**PRESENT**

Board Members Berkowitz, Cheema, Ciechanowski, Criss, DeGregorio, Jordan, Lomazow, Mendelowitz, Paul, Rajput, Stanley, Walsh and Weiss.

**EXCUSED**

Board Member Bender, Iannuzzi, Lambert, Nussbaum, Reichman, and Scott.

**ALSO PRESENT**

Deputy Attorneys General Dick, Flanzman, Gelber, and Warhaftig; Executive Director William V. Roeder.

**RATIFICATION OF MINUTES**

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO  
APPROVE THE MINUTES FROM THE OCTOBER 14, 2009 BOARD MEETING.**

**HEARINGS, PLEAS, AND APPEARANCES**

**GROSSO, Gino 25MA05176000**  
**DAG William Lim, Prosecuting**  
**Richard Q. Hark, Esq. for the Respondent**

This matter was opened to the New Jersey State Board of Medical Examiners by way of Verified Administrative Complaint by the Attorney General seeking the temporary suspension of Dr. Grosso's license to practice medicine and surgery in the State of New Jersey and for other such relief as deemed necessary.

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

All parties, except Administrative and Counseling staff, left the room.

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Returning to open session, the Board announced the following:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE A SETTLEMENT TO INCLUDE A VOLUNTARY SURRENDER, *IN LIEU* OF PROCEEDING WITH A HEARING SEEKING THE TEMPORARY SUSPENSION OF LICENSE, PENDING PLENARY PROCEEDINGS. THE VOLUNTARY SURRENDER WILL BE EFFECTIVE WITHIN FOURTEEN DAYS IN ORDER TO PERMIT A WINDDOWN PERIOD TO TRANSFER PATIENTS AND DR. GROSSO WILL NOT TAKE ON ANY NEW PATIENTS OR PRESCRIBE ANY CDS. HE WILL NOT SEEK LICENSURE IN ANY OTHER STATE AND HE MUST RETURN ALL PRESCRIPTION PADS. NO ADMISSIONS WERE MADE AND HE WILL CONTINUE TO PARTICIPATE WITH THE PAP. THE BOARD ALSO VOTED TO GRANT THE APPLICATION FOR COSTS.**

**SISTER-STATE MATTER**

**I/M/O FU, Lee C. D. Hang, M.D.**  
**Michelle B. Albertson Prosecuting D.A.G.**

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PROPOSED FINALIZATION OF THE PROVISIONAL ORDER OF DISCIPLINE AS ORIGINALLY SUBMITTED IN THE MATTER OF DR. FU.**

**OFF AGENDA**

**MAKKER, Ram Swaroop M.D., *pro se***  
**RINGLER, Kim D., D.A.G. - Prosecutor**

D.A.G. Ringler's submitted an October 23, 2009 memo to the Board seeking approval of the Attorney General's request for an immediate suspension of Dr. Makker's medical license. By way of background, Dr. Makker was temporarily suspended on an emergent basis by the New York State Department of Health, State Board for Professional Medical conduct on April 24, 2009. The Order found that Dr. Makker was an imminent danger to the health of the people of New York after an investigation of eight separate instances of negligent and incompetent handling of patients whom he treated in a hospital emergency department. A hearing on charges was held in April, May and June of 2009 **in New York..** A Determination and Order sustaining specifications of professional misconduct

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and revoking Dr. Makker's medical license followed on September 2, 2009.

Currently, Dr. Makker holds an active license to practice in the State of New Jersey. As per N.J.S.A. 45:9-19.16a, if the Board received documentation demonstrating that a physician's authority to engage in the practice of medicine and surgery is revoked or is currently subject to a final or interim order of active suspension or other bar to clinical practice by any other state, agency or authority, the State Board of Medical Examiners shall immediately suspend the physician's license. The Statute also states when the action is grounded on facts that demonstrate that continued practice would endanger or pose a risk to the public health or safety pending a determination of findings by the Board, the documentation from the other state, agency or authority shall be a part of the record and establish conclusively the facts upon which the Board rests in any disciplinary proceeding or action pursuant to this section.

In a letter to the Board dated October 26, 2009, Dr. Makker advised that he filed an appeal with the Administrative Review Board of the New York State Board for Professional Medical Conduct and that the process was ongoing. Dr. Makker **sought to** rebut the accusations and requested that the matter be held in abeyance pending the final outcome of his appeal.

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

All parties, except Administrative and Counseling staff, left the room.

Returning to open session, the Board announced the following.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ENTER AN IMMEDIATE SUSPENSION OF DR. MAKKER'S LICENSE BASED ON FINDING THAT THE NEW YORK ACTION DEMONSTRATED THAT DR. MAKKER'S CONTINUED PRACTICE IN NEW JERSEY WOULD CONSTITUTE AN IMMEDIATE DANGER TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF NEW JERSEY.**

**THE BOARD ALSO VOTED TO GIVE DR. MAKKER AN OPPORTUNITY TO REQUEST A MITIGATION HEARING WITHIN FOURTEEN DAYS AND TO MAKE AN OFFER OF PROOF, WHICH SHOULD BE SCHEDULED FOR THE**

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**DECEMBER BOARD MEETING. THE BOARD REQUESTED THAT THE  
ENFORCEMENT BUREAU PERSONALLY SERVE THE ORDER ON DR.  
MAKKER.**

Respectfully submitted,

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Paul Jordan M.D., Chairperson  
For Open Disciplinary Minutes

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