

**State Board of Medical Examiners  
Open Disciplinary Minutes  
Disciplinary Matters Pending Conclusion  
November 8, 2006**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, November 8, 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 (present for Soriano appearance only), Criscito, Criss, DeGregorio, Haddad, Lambert, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Salas-Lopez, Strand, Walsh, and Wheeler.

**EXCUSED**

Board Members Jordan, Scott, Stanley and Weiss

**ALSO PRESENT**

Senior Deputy Attorney General Dick, Deputy Attorneys General Ehrenkrantz, Flanzman, Gelber, Kenny, and Levine, Medical Education Director Mary Blanks, MD, and Executive Director Roeder

**RATIFICATION OF MINUTES**

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 11, 2006 OPEN DISCIPLINARY BOARD MINUTES AS SUBMITTED.

**HEARINGS, PLEAS, RETURN DATES, APPEARANCES**

10:00 A.M. SORIANO, JAN R., M.D. (License #MA037769)  
VERDESCO, ANNETTE, ESQ. For Respondent  
HAFNER, DOREEN, D.A.G.

This matter was scheduled for oral argument on the Motion for Summary Decision which was filed on October 5, 2006 based on the allegations set forth in the Administrative Complaint filed on June 13, 2006. By way of background, Dr. Soriano was arrested on or about September 28, 2003 by the Asbury Park Police Department and charged with possession of a controlled substance (crack cocaine). At the time of the arrest, Dr. Soriano made statements to the police officer that he had a substance abuse problem. A Criminal Indictment was filed with the Superior Court of New Jersey, County of Monmouth, wherein the Respondent was charged with one count of possession of C.D.S. for possessing crack cocaine. He was convicted and ordered to serve 18 months probation; to pay fines and penalties in the amount of approximately \$1,650; to attend substance abuse testing and counseling; to obtain a TASC Evaluation and follow all recommendations stemming from the Evaluation; to provide a DNA sample and pay the costs for such evaluation. It was further noted that Respondent's New Jersey driver's license was suspended for a period of six months.

Submitted for Board consideration was the Administrative Complaint dated June 13, 2006, Notice of Motion for Summary Decision, Certification of Doreen A. Hafner, D.A.G. (With Exhibits A-M) and D.A.G. Hafner's Letter Brief filed October 5, 2006.

Dr. Lomazow recused from vote and discussion in the matter and left the table. A motion was made and seconded

to move into closed session for advice of counsel. All other persons, except counseling staff, left the room.

The Board returned to open session, and Dr. Criscito placed on the record the fact that he knew Dr. Soriano as a physician who has referred patients to him in the past, the last being approximately two or three years ago. He also noted on the record that he currently treats Dr. Soriano's aunt. Dr. Criscito believed that, even in light of the past relationships, he could render an impartial decision based on the evidence presented in this case. Neither party objected to Dr. Criscito's continuing participation in the hearing.

Ms. Criss reminded the parties that the Board had convened this hearing upon motion made by the Attorney General for Summary Decision on the two count complaint. She further explained that if the summary decision were to be granted, the Board would move into the mitigation phase. Oral argument was limited to fifteen minutes. The attorneys placed their appearances on the record.

DAG Hafner first introduced various documents into evidence.

S-1 (Ex. A) - Investigative report of Thompson

S-2 (Ex. B) - Supplementary report of James Scully

S-3 (Ex. C) - Criminal Complaint 9/28/03 annexed to certification

S-4 (Ex. D) - Annex to Certification

S-5 (Ex. E) - Transcript of Charged to Jury

S-6 (Ex. F) - Verdict annexed to certification

S-7 (Ex. G) - Sentence

S-8 (Ex. H): - Certification from Dr. Baxter - Attorney Verdesco objected because she did not have the opportunity to cross-examine Dr. Baxter regarding the affidavit. The Board indicated it would give that due weight during deliberations and noted that traditionally, certifications such as this one are accepted into evidence.

The Attorney General argued that there was no issue as to the material facts, and the Attorney General is entitled to a decision in its favor as a matter of law. It was undisputed that Dr. Soriano was convicted by a jury of illegally obtaining cocaine. He was afforded the opportunity to proffer a defense and, in fact, testified during the trial. The jury, D.A.G. Hafner continued, convicted him and during the sentencing phase, the Judge noted on the record that he did not believe that Dr. Soriano's testimony was credible regarding the circumstances of the evening in question. D.A.G. Hafner also reminded the Board that during the trial Dr. Soriano made certain admissions on the record which support the Attorney General's motion for summary decision. There are no factual issues that dispute whether the activities in which Dr. Soriano engaged were illegal. Therefore, D.A.G. Hafner noted there was no reason to conduct a hearing to determine the facts of the alleged misconduct.

D.A.G. Hafner argued that Dr. Soriano committed a crime of moral turpitude insofar as his behavior (possessing and obtaining cocaine) adversely affects the practice of medicine in its broadest sense. She argued that the crime lowered the physicians' reputations in the community and adversely reflected on the licensed community as a whole. D.A.G. Hafner further argued that Dr. Soriano's behavior lacks the good moral character required of a licensee of the Board.

Count II was based on four factual allegations. Dr. Soriano admitted he had a drug problem. He has been non-compliant with the Professional Assistance Program. He has been resistant to treatment in the past. In fact, during the sentencing hearing, Dr. Soriano admitted that he attempted to enroll in the program in order to minimize any punishment that might result. While he did undergo some counseling, the Board is not aware of any of the results or nature of the counseling sessions in which he did participate. What is known is that Dr. Soriano is not being monitored at the present time for his addiction. It was the position of the Attorney General that his addiction has compromised his ability to practice medicine. Also, during his sentencing, Dr. Soriano admitted he was presently (within the past 365 days) using illegal substances. The record is absent of any rehabilitative efforts on his part that would permit the Board to allow him to continue to practice. D.A.G. Hafner stated that Dr. Soriano lacks both the personal and professional judgment required to practice medicine and surgery in this State.

D.A.G. Hafner concluded by reminding the Board that taking away Dr. Soriano's license was the only way to protect the health, safety and welfare of the public.

Ms. Verdesco argued that some issues of fact are disputed. For example, she argued that the criminal conviction was based on such minimal evidence that she believes it could not be supported on appeal. There was a suppression motion filed based on a warrantless search when Dr. Soriano was stopped by the police. She opined that the weight of the evidence is inconsistent with the decision reached by the jury. Ms. Verdesco noted that there was testimony by two officers which further contradicted the decision reached. The basis of observation described by the police officers did not reach the level of presumption that would support the conclusion that a drug deal was occurring. Officers pulled the vehicle over and observed a white substance on his hand. The testimony of the officers was more consistent with Dr. Soriano's version of the events as follows: He asked for directions, an African-American male saw the police coming and threw the white substance into the window. Ms. Verdesco argued that there was a strong likelihood that the conviction would be overturned on appeal.

She stated that Dr. Soriano maintained his innocence, pled not guilty, and went to trial believing that the truth would come out.

Ms. Verdesco advised that, contrary to the Attorney General's argument, Dr. Soriano is subject to a plethora of monitoring through his probation in the criminal case, such as urine sampling and reporting obligations. She added that he has been compliant, and his probation officer would be recommending an early termination of his probation. Ms. Verdesco also argued that the crime does not reflect on Dr. Soriano's ability to practice medicine. It was a third degree crime and did not involve patient care.

In rebuttal, DAG Hafner also noted that case law has held that Dr. Soriano cannot dispute his conviction, that he did not receive a stay to his conviction, and that he is presently serving his probation.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR DELIBERATIONS AND ADVICE OF COUNSEL. ALL OTHER PERSONS, EXCEPT FOR ADMINISTRATIVE AND COUNSELING STAFF, LEFT THE ROOM.

The Board returned to open session and announced its decision.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT PARTIAL SUMMARY JUDGMENT IN THIS MATTER. SPECIFICALLY, THE BOARD GRANTS SUMMARY JUDGMENT ON COUNT I OF THE ATTORNEY GENERAL'S MOTION FOR SUMMARY DECISION AS DR. SORIANO WAS CONVICTED BY THE COURT AFTER A TRIAL. THE BOARD FURTHER DETERMINED THAT SUCH CONVICTION CONSTITUTES A CRIME WHICH ADVERSELY AFFECTS THE PRACTICE OF MEDICINE AND CONSTITUTES ACTS OF PROFESSIONAL MISCONDUCT. AS TO COUNT II, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE ATTORNEY GENERAL'S MOTION FOR SUMMARY DECISION AS HE HAS NOT SUSTAINED HIS BURDEN OF PROOF TO SUPPORT HIS MOTION AS THE BOARD FINDS THAT THERE ARE MATERIAL ISSUES OF FACT IN DISPUTE.

Ms. DeGregorio and Mr. Wheeler voted in opposition to the Board's decision on Count I and voted in the affirmative to its decision on Count II.

Since it made a finding of liability on Count I, the Board turned its attention to the mitigation hearing.

Dr. Soriano testified that he has been practicing medicine since 1982 as a general practitioner and noted that he has never been named in a malpractice suit. He has seven children and is obligated to pay court-ordered child support for his 8 year-old child in the weekly amount of \$358. Two of his children are in college (20 years old), and one is in high school (17 years old). He testified that his take-home salary in 2006 was \$20,000.

R-3 was identified as Dr. Soriano's 2005 tax return in which he had an adjusted gross income of approximately \$3,000. He also identified his 2004 tax return with an adjusted gross income of approximately \$9,000. In 2003, he noted that he had an adjusted gross income of approximately \$56,000 as noted on R-5. Dr. Soriano had been employed in a group practice in Nutley, but due to his current problems, he has been unable to obtain gainful

employment.

Dr. Soriano asked the Board to impose as minimal a sentence as possible in order that he may continue to practice medicine and earn a living to support his four children. He also advised the Board that he is unable to pay fines or penalties.

On cross examination, Dr. Soriano clarified that his general practice consists primarily of approximately 80 people, most of whom are elderly patients with diabetes and hypertension. He is not Board certified and does not hold hospital privileges. Ms. Verdesco objected to this line of questioning as she believed it was irrelevant and outside the scope of direct. D.A.G. Hafner proffered that the questioning was appropriate inasmuch as Dr. Soriano had previously testified to his type of medical practice.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR DELIBERATIONS AND ADVICE OF COUNSEL. ALL OTHER PERSONS, EXCEPT ADMINISTRATIVE AND COUNSELING STAFF, LEFT THE ROOM.

Upon returning to open session, with all parties present in the room, Ms. Criss reminded the parties that the Board made a finding of liability and found that Dr. Soriano was convicted of a crime that adversely affected the practice of medicine. She noted that this was a mitigation hearing. In the liability phase, Ms. Criss continued, Dr. Soriano's quality of care was not an issue.

Dr. Soriano continued, indicating that he also worked with a medical group last summer, but when he was unable to obtain a Medicare number, he was let go. He has also been unsuccessful at obtaining hospital privileges. He testified that he currently sees patients out of an apartment he shares with his mother at 105 Wilson Place, West Orange, and at 202 Franklin Street, Belleville, NJ, which is an apartment where he moved for a short period of time.

Dr. Soriano recalled that he first presented to the P.A.P. because he had been before the Medical Board because of a practical joke that was played at his office and a consumer complaint had been filed dealing with some minor quality of care issues and an overcharge of a patient. He was sent for an examination by the PAP to determine whether he was fit to practice medicine. He was referred for psychological and psychiatric testing. He believed that the PAP recommended that he undergo a CAT scan. Dr. Soriano was not aware of any abnormal findings on his CAT scan or from Dr. Baxter's testing. He noted that at one point during a visit with the P.A.P., Dr. Baxter said that Dr. Soriano was "over-talking him," and Dr. Baxter refused to work with him. He suggested that Dr. Soriano deal directly with the Board of Medical Examiners.

It was noted that Dr. Soriano's physician, Dr. Collins, suggested that Dr. Soriano may suffer from bipolar disorder, a diagnosis that is currently being explored. It was also suggested that he re-contact Dr. Baxter to see if Dr. Baxter would permit him back into the program. Dr. Soriano is on Klonopin which he took the last time two days prior to the Board meeting. While the medication is prescribed to be taken three times daily, Dr. Soriano only takes it when he feels he needs it. Dr. Soriano is also on several blood pressure medications which he last took two days ago.

Historically, Dr. Soriano recounted that he was referred to the PAP for the first time in 1994. He testified that he provided a ride to someone who lived in "the projects" and there was cocaine involved. He entered into PTI at that time because it was his first offense and because of potential exposure. He saw Dr. Baxter at that time, had urine testing performed, and participated in the program without a reportable event.

With regard to the reason he made so little money while in the group practice, Dr. Soriano testified that the office manager, for a period of a year, refused to submit billing for his services. To his recollection, there was no recourse for the office manager's refusal to submit billing for his services.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR DELIBERATIONS AND ADVICE OF COUNSEL. ALL OTHER PERSONS, EXCEPT ADMINISTRATIVE AND COUNSELING STAFF, LEFT THE ROOM.

The Board returned to open session and continued with the mitigation hearing.

According to Dr. Soriano, his probation consists of reporting once a month for random drug testing, although he claims none have taken place. Dr. Soriano stated that he asked to have the testing performed, but none have taken place.

D.A.G. Hafner entered into evidence pre-marked exhibits S-9 (Ex. K), S-10 (Ex. L) and S-11 (Ex. M) which evidences the basis for the costs and penalties requested. Not hearing any objections, the items were accepted into evidence.

Ms. Verdesco closed by thanking the Board and noted that Dr. Soriano has been very candid in his testimony regarding his current financial status. She requested that he be permitted to continue to practice medicine so that he may support his family. She asked the Board to look beyond the conviction and to recall that the appeal is in progress, which she believes will be successful. She asked that the Board impose the minimal sanction available. Ms. Verdesco urged the Board to consider that Dr. Soriano loves the practice of medicine.

D.A.G. Hafner closed by reminding the Board of its findings made earlier and its duty to protect the public. She believed that throughout the hearing, there was ample evidence to demonstrate that Dr. Soriano lacks the proper judgment to continue to practice medicine. She asked that the Board impose the stiffest penalties warranted by its findings, and to assess costs and penalties.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR DELIBERATIONS AND ADVICE OF COUNSEL. ALL OTHER PERSONS, EXCEPT ADMINISTRATIVE AND COUNSELING STAFF, LEFT THE ROOM.

The Board returned to open session and announced its decision.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO IMMEDIATELY SUSPEND DR. SORIANO'S LICENSE TO PRACTICE MEDICINE AND SURGERY FOR A MINIMUM PERIOD OF SIX MONTHS AND UNTIL SUCH TIME THAT HE CAN ADEQUATELY DEMONSTRATE TO THE BOARD HIS FITNESS TO RETURN TO PRACTICE. PRIOR TO APPEARING FOR REINSTATEMENT, DR. SORIANO MUST DEMONSTRATE COMPLIANCE WITH THE FOLLOWING: HE MUST UNDERGO A NEUROPSYCHIATRIC EVALUATION CONDUCTED BY A PHYSICIAN APPROVED BY THE BOARD AND WHO SHALL BE PROVIDED WITH COPIES OF ANY PRIOR NEUROPSYCHIATRIC EVALUATION AND IMAGING STUDIES TO BE SUPPLIED BY DR. SORIANO; TO UNDERGO A MEDICAL EVALUATION; TO IMMEDIATELY ENROLL, PARTICIPATE, AND FULLY COOPERATE WITH THE PHYSICIANS ASSISTANCE PROGRAM. IN THE EVENT THE P.A.P. IS UNABLE TO PROVIDE SERVICES, THEN HE MUST SUBMIT A PLAN FOR EVALUATION AND MONITORING TO BE CONDUCTED BY ANOTHER ENTITY SPECIALIZING IN THE EVALUATION AND TREATMENT OF IMPAIRMENT ISSUES DEEMED ACCEPTABLE TO THE BOARD. DR. SORIANO MUST ENSURE THAT COPIES OF ALL REPORTS CONCERNING HIS EVALUATION AND RECOMMENDATIONS FOR TREATMENT OR CARE ARE PROVIDED TO THE BOARD. DR. SORIANO MUST FOLLOW ALL RECOMMENDATIONS OF THE EVALUATORS FOR FOLLOW-UP TREATMENT. PRIOR TO REINSTATEMENT, HE MUST APPEAR BEFORE A COMMITTEE OF THE BOARD TO DEMONSTRATE HIS FITNESS AND COMPETENCY AND PROVIDE A PLAN TO RESUME THE ACTIVE PRACTICE OF MEDICINE IN NEW JERSEY, WHICH MUST BE APPROVED BY THE BOARD. THE BOARD RETAINS THE RIGHT TO IMPOSE ADDITIONAL RESTRICTIONS AT THE TIME OF HIS APPLICATION FOR REINSTATEMENT. COSTS IN THIS MATTER WERE ASSESSED IN THE AMOUNT OF \$9,852.65 PAYABLE TO THE BOARD WITHIN THIRTY DAYS, OR ACCORDING TO A PLAN PROPOSED BY DR. SORIANO WHICH IS DEEMED ACCEPTABLE BY THE BOARD. ALTHOUGH THE BOARD WAS AWARE THAT IT COULD IMPOSE A PENALTY, BASED ON THE FINANCIAL INFORMATION PROVIDED DURING THE HEARING AND BASED ON THE ANTICIPATED COSTS TO COMPLY WITH THE TERMS OF THE ORDER, IT WILL WAIVE SUCH IMPOSITION. WITHIN TEN DAYS OF THE ORDER, DR. SORIANO SHALL MAKE THE EFFECTIVE TRANSFER OF HIS PATIENT RECORDS. (Dr. Lambert was not present for discussion and vote during mitigation.)

## **OLD BUSINESS**

1. DAHHAN, MOHAMED ZAKARIA, M.D. (License #MA074937)  
LABUE, ANTHONY F., ESQ. For Respondent  
JESPERSEN, KEVIN R., D.A.G.

This matter was scheduled for oral argument on the Motion for Summary Decision which was filed October 13, 2006 based on the allegations set forth in the Administrative Complaint filed April 3, 2006. By way of background, Dr. Dahhan allegedly fondled the breasts of patient S.E. on 2/18/04 and 3/3/04 as well as patient M.D. on 4/24/04 for the purposes of sexually gratifying and arousing himself. The complaint asserts that these sexual assaults occurred during the course of medical examinations that Respondent performed on these parties. The Board was to consider the Administrative Complaint of April 3, 2006, Notice of Motion for Summary Decision dated October 13, 2006, and Certification of DAG Jespersen in Support of the Attorney General's Motion for Summary Decision dated October 13, 2006 along with Exhibits A-G. However, the matter was resolved on the terms previously approved by the Board.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT THE TERMS OF THE CONSENT ORDER AND SUSPEND DR. DAHHAN'S LICENSE FOR FIVE YEARS COMMENCING JULY 25, 2006, WHICH WILL REMAIN ACTIVE UNTIL AT LEAST JULY 25, 2008. HE MUST UNDERGO PSYCHOSEXUAL THERAPY AT THE PETER'S INSTITUTE AND APPEAR BEFORE A COMMITTEE OF THE BOARD PRIOR TO REINSTATEMENT, AT WHICH TIME DR. DAHHAN MUST HAVE A CHAPERONE FOR ALL PATIENTS; HE MUST PAY \$10,000 IN PENALTIES AND \$12,811 IN COSTS WITHIN TWO YEARS.

## **NEW BUSINESS**

1. NAHMIAS, JESUS, M.D. (License #MA02589)

This matter was submitted for Board approval of the Final Order of Discipline regarding Dr. Nahmias. The Provisional Order of Discipline was filed on July 18, 2006 indicating that Dr. Nahmias would be suspended unless he responded to the Order. To date, Dr. Nahmias has not responded, and the Attorney General asks that the Board consider this matter on the papers. The Provisional Order of Discipline was based on the fact that although Dr. Nahmias' license was expired, he continued to treat patients and write prescriptions. Dr. Nahmias failed to appear on several occasions for PEC appearances.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FINAL ORDER OF DISCIPLINE.

2. RE-USE OF CATHETERS IN HOSPITALS

The matter was brought to the Board's attention that previously- used catheters are being re-sterilized for re-use in hospitals. Dr. Criscito noted that physicians are not always made aware of the fact that the catheters they are using were previously used. Dr. Reichman advised that this matter is a current topic of discussion at the AMA.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FORM A SUB-COMMITTEE TASK FORCE TO EXAMINE THIS ISSUE. DR. CRISCITO WILL CHAIR THE COMMITTEE ALONG WITH DRs. SALAS-LOPEZ AND REICHMAN.

3. LICENSURE OF DIRECTORS OF HMOs

Dr. Lomazow and Mr. Wheeler will look into the issue of licensure for Directors of HMOs in the State of New Jersey. As this matter is not currently a BME regulation, the Board would have to coordinate discussions with the Department of Banking and Insurance. Executive Director Roeder will examine the history of this issue with the Executive Committee and provide such historical background for Committee Members to consider.

Respectfully submitted,

---

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

[← back](#)

---

[Contact Us](#) | [Privacy Notice](#) | [Legal Statement](#) | [Accessibility Statement](#) 

division: [dca home](#) | [complaint forms](#) | [licensing boards](#) | [adoptions](#) | [proposals](#) | [minutes](#) | [consumer protection](#)

departmental: [lps home](#) | [contact us](#) | [news](#) | [about us](#) | [FAQs](#) | [library](#) | [employment](#) | [programs and units](#) | [services a-z](#)

statewide: [nj home](#) | [my new jersey](#) | [people](#) | [business](#) | [government](#) | [departments](#) | [search](#)

Page last modified: *undefined, undefined NaN, NaN*