

**State Board of Medical Examiners  
Disciplinary Matters Pending Conclusion  
December 8, 2004**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, December 8, 2004 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 Dr. Gregory Rokosz, Chairperson for Open Disciplinary Matters.

**PRESENT**

Board Members Criss, Haddad, Harrer, Moussa, Paul, Perry, Ricketti, Robins, Rokosz, Trayner, Walsh and Weiss.

**EXCUSED**

Board Members Chen, Farrell, Houston, and Patel

**ABSENT**

Board Members Desmond and Wallace.

**ALSO PRESENT**

Assistant Attorney General Joyce, Deputy Attorneys General Dick, Ehrenkrantz, Flanzman, Gelber, Kenny, Levine, and Warhaftig, Executive Director Roeder and Medical Director Gluck .

**RATIFICATION OF BOARD MINUTES**

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE NOVEMBER 10, 2004 OPEN DISCIPLINARY BOARD MINUTES AS SUBMITTED.

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

1. SINGH, MANJIT M.D. (License # MA 29339 )  
GELBER, Joan D.A.G. for Complainant  
GORRELL, JOSEPH, Esq. for Respondent

This matter was set down for argument based on the Attorney General's filing on December 1, 2004 of an Order to Show Cause, Notice of Hearing and Requirement to file an Answer and Verified Complaint, with an accompanying letter brief in support thereof. The Attorney General alleged that Dr. Singh had repeated the misconduct which resulted in his temporary suspension in 1996 and had violated the terms of prior disciplinary Orders by asking at least one patient for a loan of money.

Dr. Robins recused from discussion and vote in the matter and left the table.

Chairman Rokosz opened the meeting and asked D.A.G. Gelber on behalf of the Attorney General and Mr. Joseph Gorrell Esq., on behalf of the Respondent, Dr. Singh, to place their appearances on the record. D.A.G. Gelber made a preliminary motion requesting that the full identities of the patient and her family be redacted both on the transcript and in all aspects of the proceedings and asked that every effort be made to refer to them by their initials. Mr. Gorrell did not object. D.A.G. Gelber further indicated that counsel had met and pre-marked documents which were offered into evidence. Mr. Gorrell indicated that he was in agreement with the redaction of the evidence.

Mr. Gorrell requested that the two witnesses on behalf of the Attorney General be sequestered and his understanding was that Ms. Gelber had no objection to that request. Dr. Rokosz granted Mr. Gorrell's request.

D.A.G. Gelber, in her opening statement, reminded the Board members that the Attorney General brought this application for an emergent temporary suspension alleging that Dr. Singh had again engaged in the same conduct which brought him before the Board in 1996. D.A.G. Gelber continued that following the resolution of that matter in 1996, which dealt with Doctor Singh seeking and obtaining sums of money from his patients, there were a succession of Board Orders entered which explicitly and flatly forbade him from asking for, or receiving, any monies from patients under any circumstances other than the simple payment for medical service. D.A.G. Gelber informed the Board that the Attorney General's office received information in the middle of November that on or about October 2, 2004, Dr. Singh arranged for a patient to come to his office late in the afternoon on a Saturday and at that time he had asked the patient for a loan of \$10,000. When the patient hesitated about such a sum, Dr. Singh then suggested amounts of \$3,000 or \$4,000. D.A.G. Gelber told the Board that her witness would describe to them Dr. Singh's manner, the interactions and the substance of the conversation between herself and Dr. Singh. While initially, the witness did not flatly decline Dr. Singh's proposal, although she was uneasy about the request, she did in fact make an arrangement that she would contact him early the following week.

D.A.G. Gelber continued with her opening statement by telling the Board that the witness would testify that she actually made an entry in her calendar, a note she made to herself, that he was going to come to lunch on Wednesday and they were going to be discussing the request to borrow money which was made on the previous Saturday afternoon. The witness will further testify, Ms. Gelber continued, that she mentioned this matter to her sister, and then to her brother over the weekend. They were all aware of Dr. Singh's prior history, and they urged the patient not to lend Dr. Singh money. D.A.G. Gelber noted to the Board that it would hear testimony from the witness' brother who actually telephoned Dr. Singh's office and instructed the doctor not to come to his sister's house. The Board would also hear testimony from the witness that Dr. Singh did come to the house and made repeated efforts to contact her. When the witness later realized that she was feeling uncomfortable about receiving medical care from the doctor who had asked her for money, she canceled her next two appointments and sought medical treatment elsewhere.

This, according to Dr. Rokosz, included the opening arguments. At that time, the witness left the room and D.A.G. Gelber continued with her opening argument.

D.A.G. Gelber continued by informing the Board that she intended to show that after the patient consulted with her new doctor and explained why she no longer cared to use Dr. Singh, the new doctor became upset. The matter ultimately became known to officials at Valley Hospital. Upon learning that Valley Hospital was questioning about the potential request for a loan from this patient, Dr. Singh began what was alleged as a significant pattern of harassment of the patient and actual intimidation and coercion to have the patient lie about the circumstances surrounding their conversation. According to Ms. Gelber, Dr. Singh attempted to get the witness to change her story so as to reflect that she offered the money to Dr. Singh rather than his request for the loan of money. He had written the story down on some file cards and when he realized that the witness would not change her mind, he attempted to get the cards back, continually coming to her house and banging on the doors and windows. While attempts were made through counsel to have Dr. Singh refrain from contacting the witness, none were successful and ultimately, the police had to be called.

D.A.G. Gelber also informed the Board that due to a mistake she made, the Board will note that on the affidavits, dates were corrected. In attempting to assist the witness in determining the specific dates that the events occurred, D.A.G. Gelber inadvertently used a 2005 calendar. Because all the dates were one day off, corrected affidavits, Ms. Gelber explained, were prepared.

Mr. Gorrell noted in his opening statement that conspicuously absent from D.A.G. Gelber's presentation was the legal standard that the Board must consider on an application for temporary suspension. He reminded the Board that in its decision making process, it must weigh all the evidence against the proof that the Attorney General has palpably demonstrated a clear and imminent danger of public health, safety and welfare. He suggested that "palpably demonstrated" is similar to "clear and convincing evidence" or "beyond a reasonable doubt." In

essence, Mr. Gorrell posited, the evidence must be so strong that basically it is uncontested. He suggested that in this case, the Board would find that the evidence was sharply contested as the Board would hear testimony from Dr. Singh that directly contradicted that of the witness.

Mr. Gorrell recognized that Dr. Singh was very upset over this situation in particular, when he learned of the story that the witness was telling. Since 1997, Dr. Singh has had an exemplary record and the Board would hear testimony from two witnesses who have known Dr. Singh over the years and will verify that he continues in recovery. While it is true that Dr. Singh perhaps did not act rationally in the way in which he made contact with the witness, but the Board should understand that given the circumstances ? namely, the witness was not telling the truth and her lies implicated that he had violated his prior Order ? Dr. Singh was duly upset. He informed the Board that in 1990 when this matter initially began, Dr. Singh did approach this witness and asked for money, which she flatly refused. Thinking logically, he posited, it did not make sense that he would ask someone who previously refused to loan him money to now almost ten years later, ask her again. Mr. Gorrell believed that the evidence would ultimately show that there was no request for a loan, no money changed hands and there was never any loan made. He suggested that when the Board consider all the evidence presented, it would conclude that the Attorney General could not meet its burden of proof of a palpable demonstration of any danger to the health, safety or welfare of the citizens of New Jersey.

Even if the Board were concerned, Mr. Gorrell reminded the Board that there were other options short of suspension of license that the Board could employ. This case, he pointed out, was a good example as the Board over time restored Dr. Singh's license with restrictions. The Board could do the same now and that would obviate any potential risk to the public because the Board would put into place restrictive measures of protection. For example, Mr. Gorrell concluded, Dr. Singh could be required to have a chaperone in place any time he examines a patient.

D.A.G. Gelber then entered into evidence the pre marked exhibits agreed to by counsel:

P-1 - Redacted affidavit of Mrs. A.F.

P-1a - A handwritten note that Mrs. A.F. will identify.

P-2 - Redacted affidavit of her brother of Mr. F.P.

P-3 - Redacted affidavit of Dr. Diane Schwartz, the subsequent treating doctor.

P-4 - A certification of patrolman Marc Shingelo, one of the officers at the scene on November 22, and he has attached two copies of the police reports that were prepared that night.

P-5 - Affidavit of Dr. Michael Kesselbrenner, one of the physicians at Valley Hospital.

P-6 - Affidavit of another hospital physician, Dr. Arthur DeSimone

P-7 - Cover letter from Mr. Gorrell with the last visit patient entry provided by Dr. Singh as his patient record for this lady.

P-8 - Dr. Singh's Answer to the Verified Complaint.

P-10 - First Order of Temporary Suspension 1996.

P-11 - An excerpt of the Final Consent Order which allowed the limited reinstatement on conditions.

P-12 - Modified Final Order 2002.

Respondent's exhibits included:

R-1 - Certification from Dr. Singh

R-2 - Letter from Michael W. Rutigliano, M.D., president and medical director of Bergen Family Practice where Dr. Singh presently practices.

R-3 - list of meetings of Gamblers Anonymous attended by Dr. Singh. There will be testimony to corroborate.

After being sworn in, Mrs. A.F. testified that she was a patient of Dr. Singh's for approximately thirty years. She recalled that during the fall of 2004, when Vioxx was taken off the market, she asked Dr. Singh what she should use in its place. According to the witness, Dr. Singh instructed her to come into the office on that Saturday, October 2, 2004, around 3:00 and he would give her some new samples. After he gave her the sample medication, she further recalled that Dr. Singh began to tell her about a \$10,000 investment he made in the stock market, and although he had hoped to double his money, he actually lost it all. A.F. continued by telling the Board that after Dr. Singh told her this story, he asked her if she could help him out with the \$10,000. The witness recalled that she told him that she did not think she could, but that she would think about it. A.F. also reported to the Board that she told Dr. Singh that investing in the stock market was the same as gambling. She remembered telling Dr. Singh about money she and her sister lost in the stock market. She left and later that afternoon, or the next day, she told her sister and subsequently her brother about the conversation with Dr. Singh. Her brother, F.P., told her not to loan the money and was so mad that he called Dr. Singh's office and left a message that Singh was not come to A.F.'s house and Mrs. A.F. then cancelled two appointments the witness had with Dr. Singh.

In looking at P-1A, A.F. testified that she wrote that notation that Dr. Singh was to come to lunch on Wednesday and she identified the phone number written as Dr. Singh's cell phone number. She believed that Dr. Singh made the appointment with her to discuss the potential lending of the money.

Sometime in November, according to the witness, she went to another doctor, Dr. Schwartz. She believed she first saw Dr. Schwartz on November 12, 2004 at 9:00 A.M. Dr. Schwartz questioned A.F. as to why she changed doctors after such a long period of treatment. A.F. explained to the Board that she told Dr. Schwartz about Dr. Singh's request for her to lend him \$10,000. She believed that shortly after her appointment with Dr. Schwartz, Dr. Singh came over to her house sometime around 8:00 or 8:30 A.M. He was interested in knowing whom the witness told that he had asked her for money. According to Dr. Singh, the hospital administration questioned him about it and he told them that it was a lie and that in fact, A.F. volunteered to give him money. A.F. further testified that Dr. Singh tried to get her to tell this story and this made her angry because she was not a liar. Each time that Dr. Singh came to her house over the course of the next several days, Dr. Singh tried to get her to change her version of the story, wrote down what he wanted her to tell people on index cards, and continued to harass her in an attempt to convince A.F. that she offered Dr. Singh the money, not that Dr. Singh asked her to lend him the money. The witness recalled that she ripped up the index cards and threw them into the trash, which was picked up before she had a chance to retrieve them from the garbage. A.F. also testified that on Sunday, he again came by and told her that he just came from the synagogue where he had prayed. Dr. Singh was bothering her so much that she recalled telling him that she was going crazy and she thought she might be having a stroke. Dr. Singh, according to the witness, took her blood pressure. Later that day (Sunday), Dr. Singh came back to her house and claimed that he lost a piece of his stethoscope. A.F. recalled that it had gotten dark and while she was on the telephone, she heard some banging on her door. She realized it was Dr. Singh and tried to ignore him, but he kept banging and banging. A.F. was able to get in touch with her brother, who in turn called the police. As far as the witness knew, when the police came, Dr. Singh told them he was looking for a piece of his stethoscope and some index cards.

The witness reviewed R-1, which was the certification of Dr. Singh. A.F. went through the certification and categorically denied that she offered Dr. Singh money. Consistently, A.F. testified that it was the doctor that requested that she lend him money and not that she offered to give him money. A.F. also pointed out the inaccuracies contained in the certification and re-affirmed her prior testimony of events.

Prior to this event, A.F. believed she had a good relationship with Dr. Singh and he was always helpful in the past. When he asked her to lend him money, she no longer wanted anything to do with him. According to the

witness, she trusted him the first time this happened and stuck by him, but she was not going to lie for him.

On cross-examination, A.F. explained that Dr. Singh treated her for emphysema, high blood pressure, high cholesterol, and some arthritis. She admitted, however, that she did not always follow Dr. Singh's instructions as it related to taking her medications. Dr. Singh also has treated A.F. with Paxil for a "chemical imbalance". Over the years, A.F. also admitted that she had developed more than a doctor-patient relationship, and in some ways, considered Dr. Singh a friend. She did discuss some personal information with him, and in turn, he shared information about his family with her. A.F. also testified that she had a difficult time hearing and that about ten or twelve years ago, hearing aids were prescribed for her, although, she does not use them. She further explained that the tone of the person's voice or the position of the speaker affects just how well she hears someone. The witness also admitted that she has learned to read lips to assist her. She did not consider herself to be a forgetful person, although, she did admit that she writes everything down on her calendar. A.F. knew that she had received a shot in her heel sometime in 2004, but she did not have any record or bill for the procedure. She was sure, however, that she did not have the shot on the same day that Dr. Singh requested that she lend him some money.

A.F. remembered a number of years ago, Dr. Singh had asked her to lend him money. She believed that this occurred sometime in the mid to late 90s and that he had requested a number of people to loan him money. She was positive that at that time, A.F. made it very clear to Dr. Singh that she would not lend him any money. She believed that when he asked her this time, Dr. Singh may have believed that she might have changed her mind. She recalled that when she came into the office on Saturday, October 2, 2004 Dr. Singh did not examine her and she stood near the counter. The witness was unsure whether Dr. Singh had appointments on Saturday, but believed he may have office hours in the morning. In any event, the witness recalled that when she came to the office on that Saturday, no one else was present in the office.

Prior to making the statement to the investigators, A.F. recalled that she had spoken only with her brother and sister about Dr. Singh's request to lend him money. She further recalled that her brother was adamant that she should not do it. A.F. recalled that she gave the statement about these events at her brother's house and that the investigator and/or Ms. Gelber wrote the information down. The statement was then typed on her brother's computer. The witness was adamant that she gave her statement independent of any assistance from her brother. She remembered that the investigator spoke with her brother first before she arrived, and then to her. The witness clarified that on R-4 initially the wrong dates were indicated because although the witness talked about Friday, Saturday, Sunday, when Ms. Gelber looked at the calendar for the exact dates, she used a 2005 calendar rather than the 2004.

D.A.G. Gelber then called F.P., brother to A.F., to testify. The witness recalled that his other sister telephoned him on Sunday night to tell him that A.F. had been approached by Dr. Singh to lend her some money. Later that same evening, he further recalled, A.F. telephoned him and told him the same story. He testified that he adamantly told A.F. not to lend any money to Dr. Singh. He was aware that the doctor was going to stop by to discuss the issue with A. F. within the next day or so. F.P. also told the Board members that he telephoned Dr. Singh's office and left a message for him not to come over to A.F.'s house. He also recalled that later in that same day, Dr. Singh's office telephoned and asked if he also intended to cancel the medical appointment, but he did not.

F.P. remembered that after talking with Mr. Menapace, later that evening, A.F. called F.P. and told him that Dr. Singh was at her door banging on it, trying to come in. F.P. testified that he called 911, walked over to his sister's house, waited for the police to come, and sat on the guard rail, watching Dr. Singh. He did not talk to Dr. Singh, but just waited for the police to come. He recalled that Dr. Singh seemed very agitated and that he kept walking back and forth, pacing like an animal. He got in and out of his car a couple of times and finally, just before he appeared that he was leaving for good, Dr. Singh got out of his car and approached F.P. Dr. Singh kept asking for the index cards and the part of his stethoscope that he claimed he lost at A.F.'s house. Finally, the police came and F.P. went into his sister's house and let the police handle the situation. Later that evening, he had to telephone the police again because Dr. Singh had left a message on F.P.'s answering machine. He returned the telephone call and instructed Dr. Singh not to call him again and that if he did, F.P. would file harassment charges against him.

Mr. Gorrell called Dr. Singh as his first witness. After being sworn in, Dr. Singh testified that he is licensed to practice medicine and surgery in the State of New Jersey. He outlined his educational and training experience prior to licensure.

Dr. Singh informed the Board that sometime in 1986 or 1987, he began to experience a gambling problem which progressively got worse. He recalled that when the casino industry began in Atlantic City, he would go every so often and then the time and amount of money that he would take with him began to increase. At the same time, he began to attend the horse tracks and eventually, began to invest a lot of money in the stock market. At the end of it all, he lost his house, all of his money, and essentially, lost everything. By December 1995, he entered Gambler's Anonymous and since that time has been a regular attendee. According to Dr. Singh, he tells everyone about his past and in particular, he is completely honest with his patients.

Dr. Singh testified that he has known A.F. for about thirty years and has had both a personal and medical relationship with her. He and A.F. have had conversations about her family and he is aware that she and her brother, F.P., are very close. Medically, he has treated A.F. over the years for various conditions. He acknowledged that as A.F. had testified, he treated her with Paxil for a chemical imbalance in her brain, as well as for symptoms of depression. A.F. has been on the medication for approximately three or four years, although Dr. Singh was aware that A.F. did not always take the medication as he had prescribed. Although A.F. denied that she had his pager telephone number, according to Dr. Singh's testimony, he was positive she did, as did most of his patients. He also believed that A.F. had his cell phone number as well. He also treated her brother, F.P., a number a years ago, but this was prior to Dr. Singh losing his license. When he lost his license, F.P. decided to seek medical care from another practitioner.

According to Dr. Singh, when he first got in trouble for borrowing money from his patients, he remembered that A.F. refused to lend him any. As was his practice, if a patient refused to lend him money, he never asked again. This pattern, according to the doctor, has not changed and Dr. Singh maintained that he did not ask her recently for the same reason. He was fully aware that A.F. did not want to lend him any money. He acknowledged that he is paying back his patients and since 1997, when the obligation to repay began, he has not missed a payment. He further explained that the obligation to pay people back is part of his recovery and that paying his debt assists him tremendously.

Recalling the Saturday in which it was alleged that he has asked A.F. for some money, Dr. Singh explained that the office is open every Saturday. Generally, Dr. Singh works two Saturdays a month, while his associate works the other two. He recalled that A.F. telephoned him, concerned because Vioxx had been taken off the market and she was complaining that her heel was in a lot of pain. He instructed A.F. to come into the office and when she arrived, he took her into the examination room. Dr. Singh recalled that he took her blood pressure, went over her medications and prescribed Celebrex in place of the Vioxx. He also recalled giving her a shot of Cortisone to help relieve some of the pain. During their conversation, Dr. Singh recalled that he told her about money that he had lent to a friend for a stock option and that although he had believed he was going to make \$5,000, he was having a difficult time coming up with the \$10,000 he had borrowed from another friend. Dr. Singh did not believe that he told A.F. that the money was lost, only that he was not sure where he was going to get the money to pay back his friend at the stress laboratory. Dr. Singh further recalled that A.F. told him the story about how she and her sister had lost money with stock options, as she has told him this story before. As she was leaving, Dr. Singh recalled that A.F. suggested that she may be about to come up with \$3,000 or \$4,000. According to Dr. Singh, he immediately told A.F. not to worry about it and assured her that he did not want any money from her. Although he had tried to contact her over the next couple of days, he did not talk with her again until the following Tuesday and according to Dr. Singh's recollection, she seemed a bit disturbed. A.F. again talked to Dr. Singh about how she believed that putting money in stock options was the same as gambling and again, retold the story of how she and her sister lost their money. He did not hear anything else on the subject until the administrator from the hospital confronted him with A.F.'s allegations. After hearing the allegations from the hospital, Dr. Singh confirmed that he contacted A.F. to determine what A.F. was telling people and to whom she had told her story. As she explained that she had contacted Dr. Schwartz and was changing doctors, Dr. Singh explained to the Board that he did not wish to discuss the matter over the telephone and asked if he could stop by A.F.'s house. She consented and he went over to talk with her. According to Dr. Singh, while he was speaking with A.F. she at

first admitted that she offered to lend him the money, but later in the same conversation, she recanted the story and believed that he had requested her to lend the money to him. He admitted that he went back on several occasions, however, at no time did A.F. give him any indication that he was bothering her. He was not aware that she had a problem with his visits until the evening when the police were telephoned by her brother. Dr. Singh recalled that the night the police came, which he believed was on a Monday, he was banging on A.F.'s door because she is hard of hearing and he did not believe that she heard him at the door. He also recalled writing things down because there are times when he speaks to her that she does not understand him. He explained to the Board that he wrote down on the cards what A.F. was telling him, not as she had believed what he wanted her to tell others. Before he left to go to his car to get his blood pressure machine, he told A.F. that he would be back, although, he did not believe that she heard him. He denied ever using the word "synagogue" as a place at which he worships. He informed the Board that he is a Sikh and that he attends a temple.

On cross examination, Dr. Singh admitted that he borrowed \$10,000 from Dr. Colletti, although the transaction was never memorialized. He could not account for any terms of repayment. He also testified that back in the 90s when he was borrowing money from his patients that those loans were not always documented either. He believed that he paid interest back on the money, although some patients told him that it was not necessary.

Mr. Snyder, of Ramsey, New Jersey, next testified on behalf of Dr. Singh. He has been involved with Gamblers Anonymous since May 1973 and considers himself to still be in the process of recovery. He has attempted to live his life over the years according to the philosophy of Gamblers Anonymous, namely, to abstain from gambling and to pursue a new way of living with family and friends. He further explained that Gamblers Anonymous follows the similar "twelve step" program. Meetings generally consist of individuals sharing their stories and reaching out to one another for support. The witness has known Dr. Singh since approximately January 1996 and has had a relationship with him both inside and outside of Gamblers Anonymous. Within the last year, he estimated that he has had contact with Dr. Singh on an average of three times a week between meetings and telephone conversations. He learned about the current incident about two days ago when Dr. Singh telephoned him about it. According to the witness and his experience with Gamblers Anonymous, he did not believe that Dr. Singh has suffered a relapse into gambling. Although the witness was not present at each of the meetings that listed Dr. Singh as attended, he had no reason to doubt the veracity of the attendance sheets. Mr. Snyder acknowledged that while Gamblers Anonymous may not technically define investing in stock options as gambling, he did not believe that it was a good idea for a gambler to participate in that practice.

On behalf of Dr. Singh, Mr. Looney of Clifton, New Jersey, was sworn in as a witness. He explained that he is the Executive Director of the Council on Compulsive Gambling in New Jersey. He further explained that this organization is committed to providing information, education, and referral services for people who have a gambling problem. The organization, according to Mr. Looney, also trains mental health professionals, testifying before legislatures on behalf of gamblers, and makes efforts to promote more gambling awareness issues. Mr. Looney explained his credentials to include being certified as a family counselor since 1989 by the American Certification Board. Additionally, Mr. Looney has been an active member of Gamblers Anonymous since 1968. He also has counseled a number of gamblers over the years. Mr. Looney has known Dr. Singh since January or February 1996 and has assisted him in counseling on gambling issues, as well as some legal issues. He considered himself to be a "secondary" sponsor for Dr. Singh and has kept in close contact with him over the years. Mr. Looney also mentioned that he is a patient of Dr. Singh's and sees him at least once year for his physical.

The witness explained that the recovery process is really an individual one, and for the most part, you can expect to have periods of relapse, especially during the earliest stages of the recovery process. Every member, according to Mr. Looney, handles the process differently because the disease is different for each individual. It is the job of the sponsor to continually monitor and direct and motivate the person to stay on the recovery path. He opined that looking from something for nothing, as in the case of the most recent \$10,000 "investment" of Dr. Singh, is a bump in the road of the recovery process. Mr. Looney did not characterize this as a major obstacle or impediment in the recovery process, but viewed it as an appropriate time for some additional intervention. He believed that this was an excellent opportunity for Dr. Singh to once again re-evaluate his recovery process and to once again re-commit to the program. Mr. Looney explained to the Board that he did not believe that this was a relapse, but

rather something that if left unexamined could lead to a relapse into full fledged gambling.

In his closing argument, Mr. Gorrell reminded the members of the Board that it gave an opportunity to Dr. Singh seven years ago to return to practice and in the course of that time, he has worked very hard to pay back the money that he had borrowed. Over the last seven years, he has paid back most of the individuals and has adhered to all the directives and orders of the Board. Mr. Gorrell also argued that over that period of time, Dr. Singh has also rebuilt his life and rebuilt his practice earning the trust of both patients and colleagues. He has remained in recovery since his joining of Gamblers Anonymous. Mr. Gorrell acknowledged that Dr. Singh may have made a mistake here, but it is not the mistake at issue in the Attorney General's complaint. According to Mr. Gorrell, the mistake made by Dr. Singh was borrowing the money from Dr. Colletti. But this "mistake" does not violate the Board's Order because Dr. Colletti was not one of his patients. Even if you were to believe Mr. Looney that this behavior was a precursor to a relapse, Dr. Singh did not relapse into prior behavior because he borrowed the money from a co-worker.

Mr. Gorrell reminded the Board that to meet the burden of a temporary suspension application, the Attorney General must make a palpable demonstration that Dr. Singh presents a clear and imminent danger to the health, safety, and welfare of the public. He continued by explaining that this must be more than just a showing that it might of happened or could have happened. The Attorney General, according to Mr. Gorrell's argument, must demonstrate with clear and convincing evidence that it presents a danger to the public. He submitted in this case that the Attorney General has not met his burden. He reminded the Board that the Attorney General's case rested solely on the testimony of A.F. While he did not mean to suggest that A.F. was lying, he pointed out the various inconsistencies in her testimony and emphasized her hearing difficulty. He cited the example about her testimony concerning Dr. Singh's attendance at the synagogue. When asked if Dr. Singh specifically used the word "synagogue," the witness testified that he did. To the contrary, Mr. Gorrell argued, Dr. Singh is not Jewish and has never attended a synagogue for worship. He posited that just as A.F. misunderstood the comment about where he was for worship, A.F. similarly misunderstood the conversation that Dr. Singh had with her concerning his investment. Mr. Gorrell maintained, and as Dr. Singh testified, that he never requested any money from A.F. He asked the Board to determine that the testimony offered by Dr. Singh, which was without any inconsistencies, be found credible and that the Board, based on the inaccuracies of A.F.'s testimony, discount her version. Mr. Gorrell argued that there is a significant chance that A.F. misheard Dr. Singh and that the Board could not reasonably suspend his license based on the circumstances presented during the Attorney General's case in chief. Mr. Gorrell further argued that if the Board had some concerns about Dr. Singh's ability to continue to abide by the terms of the Board's prior Orders, that there were other means to accomplish the same goals without such a stringent sanction as a suspension of his license pending a plenary hearing in this matter.

In her closing, D.A.G. Gelber submitted that this was not a case where any type of interim restrictions would be appropriate. She reminded the Board of Dr. Singh's history with the Board and posited that this was the beginning of a replay of actions that began in 1996. She asked the Board to find the testimony of A.F., a woman full of common sense who was a businesswoman and farmer, credible. She disagreed with Mr. Gorrell's characterization that because of A.F.'s hearing difficulty, she misunderstood the situation. D.A.G. Gelber reviewed the testimony of A.F. stressing the graphic details in which she described the events that occurred. D.A.G. Gelber also emphasized the consistency of A.F.'s brother's testimony and the events surrounding the need to elicit the help of the police. According to the Attorney General, after the Board considered all the evidence presented, D.A.G. Gelber urged the Board to find that Dr. Singh did pose a direct threat to the public.

D.A.G. Gelber also reminded the Board of the various orders it had put in place to protect the public over the years. The Orders made it clear that Dr. Singh was forbidden to accept any money from any of his patients. This was the behavior that began his problems with the Board and in every Order, the Board stressed the importance of this prohibition. While Dr. Singh's witness may not have characterized this as a relapse, D.A.G. Gelber argued that approaching A.F. to borrow money truly violated the very terms of the Orders. She requested that the Board grant the Attorney General's Application for the Temporary Suspension of Dr. Singh's license pending a plenary hearing in the matter.

The Board, upon motion made and seconded, voted to go into executive session for deliberations and advice of

counsel. All parties, except counseling staff, left the room.

The Board returned to open session and announced the following motion.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO TEMPORARILY SUSPEND DR. SINGH'S LICENSE TO PRACTICE MEDICINE IN THE STATE OF NEW JERSEY UNTIL CONCLUSION OF A PLENARY HEARING. CITING 45:1-22, IN THAT RESPONDENT ENGAGED IN REPEATED ACTS OF INAPPROPRIATE CONDUCT SUCH AS CALLING A VULNERABLE ELDERLY PATIENT AND ASKING HER TO COME TO HIS OFFICE WHEN IT IS NOT OPEN FOR BUSINESS AND NO ONE ELSE IS PRESENT, HAVING A FINANCIAL CONVERSATION WITH HER SEEKING TO BORROW MONEY FROM HER, ENGAGING IN A COURSE OF CONDUCT OF HARASSMENT BY REPEATEDLY GOING TO HER HOME DURING A SUCCESSION OF DAYS, SOMETIMES MULTIPLE TIMES IN ONE DAY, BANGING ON HER DOOR AND WINDOW AND NOT CEASING UNTIL THERE WAS POLICE INTERVENTION. BASED ON THIS COURSE OF CONDUCT, THE BOARD IS DEEPLY TROUBLED THAT THIS CONDUCT OCCURRED DESPITE RESPONDENT'S PRIOR TEMPORARY SUSPENSION AND BOARD ORDERS FOR A SIMILAR PATTERN OF BEHAVIOR. THE BOARD IS ALSO DEEPLY TROUBLED THAT RESPONDENT SECRETLY KEPT THIS INFORMATION FROM HIS SUPPORT SYSTEM OF GAMBLERS ANONYMOUS AND HIS FAMILY.

THE BOARD FURTHER FINDS THAT BECAUSE THE CONDUCT TOOK PLACE IN CLINICAL AND NON-CLINICAL SETTINGS AND BECAUSE RESPONDENT'S CONDUCT DEMONSTRATED SERIOUS FLAWS IN HIS JUDGMENT, THAT NOTHING SHORT OF A TEMPORARY SUSPENSION UNTIL THE CONCLUSION OF A PLENARY HEARING IS ADEQUATELY PROTECTIVE OF THE PUBLIC AT THIS JUNCTURE. AN ORDER MORE FULLY DETAILING THE BOARD'S REASONING WILL FOLLOW.

2. PONZIO, MATTHEW (License # MA23353)  
(Counseling D.A.G.: Sandra Y. Dick)  
JESPERSEN, Kevin D.A.G. for Complainant  
KARLOVICH, Susan Esquire for Respondent

Dr. Rokosz was recused from discussion and vote in this matter.

This matter was before the Board based on the filing by the Attorney General of an Order to Show Cause, Notice of Hearing and Requirement to file an Answer. The Attorney General had also filed an Administrative Complaint and Brief in support thereof. Respondent filed an Answer to the Verified Complaint on November 17, 2004. This matter was heard before a Committee of the Board on November 19 and 22, 2004. The transcripts and exhibits entered during the hearing were attached for the Board's review. The parties presented limited oral argument summarizing their case. The Board was requested to ratify, modify, or reject the Committee's decision which was memorialized beginning at page 197 of the transcript dated November 22, 2004.

In the Verified Complaint, the Attorney General alleged that respondent had committed serious violations of the Statutes and Regulations governing the practice of medicine and that his continued practice represents a clear and imminent danger to the public health, safety, and welfare of the citizens of New Jersey. Dr. Ponzio denied these allegations.

Dr. Robins opened the meeting and asked D.A.G. Jespersen for the Attorney General and Mr. James Orr on behalf of the Respondent, Dr. Ponzio, to place their appearances on the record. Mr. Orr also indicated that his partner, Ms. Susan Karlovich, was also present on behalf of Dr. Ponzio.

Mr. Orr addressed the Board with his opening statement stating he represents Dr. Matthew R. Ponzio who's a solo practitioner in Montclair, New Jersey and has practiced for over 30 years and is 62 years old and had generally enjoyed a good reputation as a physician both among his peers and at the hospitals where he's had privileges. Dr. Ponzio, along with his wife, has raised four children, one of whom is a doctor. Mr. Orr also noted that Dr. Ponzio lives a modest life and he knows how to do one thing and that is to practice medicine.

Mr. Orr informed the Board that the respondent is before the Board because earlier this year, a committee at Mountainside Hospital decided to review fourteen (14) months of his charts. The committee found six charts out of approximately 500 charts to be debatable medicine. Mountainside Hospital had used those six charts to summarily suspend his privileges without a hearing. After Dr. Ponzio along with his counsel, Mr. Orr, evaluated the circumstances, he decided it was not worth the long hearings that they were looking at, at a hospital level, when the hospital apparently did not welcome his practice and, accordingly, Dr. Ponzio resigned from Mountainside Hospital and withdrew his privileges.

Mr. Orr continued that he recognized why Dr. Ponzio resigned from Mountainside and it could conceivably cause the Medical Board to investigate whether to change his licensure privilege. Mr. Orr affirmed that Dr. Ponzio was asked to appear before the Medical Board's investigative committee and Dr. Ponzio attempted to completely and forthrightly answer the questions he was asked. He was later ordered to appear on the Order to Show Cause in connection with the six cases in question to have his license temporarily suspended. He agreed that D.A.G. Jespersion presented the State's case quite well regarding those six cases as to whether Dr. Ponzio could have created or sustained a risk to those patients.

Mr. Orr summarized that the case that was presented to the Committee of the Board was for the overall care of the patient, both before and after those admissions, and he attempted to show that there is no real actual patient risk even though it was agreed that a patient risk was conceivable. Mr. Orr acknowledged that Dr. Ponzio's plans of treatment were not very clear, they weren't in the chart, they weren't well presented, but Dr. Ponzio believed that his decisions were within acceptable medical standards, even though the Committee disagreed. Therefore, the committee temporarily suspended his license and offered a rehabilitation plan that was rather clearly defined by the committee. He assured the Board that Dr. Ponzio heard loud and clear what the decision of this committee was and he has accepted the recommendations and is fully committed to doing whatever it takes to reeducate himself to be the best physician that he always thought he was. So with regard to his commitment to rehabilitate in the two weeks since the hearing, and the two weeks since the decision, Mr. Orr discussed what Dr. Ponzio has done:

He has already attended the CPEP record-keeping course in December 3, 2004 in Colorado. And the certificate of completion has already been forwarded to the Board's attention.

There were expenses of \$550 for the course and the travel expenses which he bore. He has now scheduled himself for the comprehensive assessment by CPEP which is to occur again in Denver, a recognized agency by this Board, and he felt it was the appropriate agency where he should be reviewed and that's a \$9,900 dual assessment for internal medicine and cardiology, not counting the travel costs, and is now scheduled for January 6 & 7, 2005.

He has signed the necessary authorizations to release his performance reviews from CPEP to the Board of Medical Examiners. He is continuing to prepare the 24 charts of other documentation that CPEP requires in order to fully examine his medical knowledge and his charting procedures. And he's fully committed to carrying out the recommendations whatever they might be, whatever the timing might be, to complete that course of action. He's also enrolled in the professional problem ethics course, sponsored by Rutgers, which is also given at the end of January.

If and when his license is reinstated, he recognizes the conditions that the medical committee put upon him to limit his practice to 40 hours a week at all sites; to report to the Medical Director of the Board for chart review on a monthly basis and to engage a preceptor to the Board to co-manage his cases. He again stressed that Dr. Ponzio has accepted the Board's decision and is fully committed and has dedicated his energies to reeducating himself.

In light of all of the remediation to which Dr. Ponzio has committed, Mr. Orr urged the Board to consider reinstating his license temporarily while he continues to undertake and comply with the recommendations of the Board. He assured the Board that Dr. Ponzio was not a threat to the public and has already demonstrated that he is competent to reenter practice.

D.A.G. Jespersion opened by asking the Board to view this case as one in need of two directions. First, Dr.

Ponzio is in need of remediation and because of his various substandard practices, some form of discipline. The temporary order, the Attorney General urges this board to impose is just, in that it is only a temporary order that provides a mechanism for remediation. According to D.A.G. Jespersen, there remains open the question as to what discipline is appropriate because the Attorney General maintains that the provisions of the interim order are not sufficient. The Attorney General urged the Board to ratify the Committee's findings that Dr. Ponzio engaged in repeated acts of gross negligence that threatened the life and safety of his patients in a manner that demonstrated a careless indifference. He reminded the Board that the Committee determined that Dr. Ponzio ignored basic laboratory and diagnostic findings in his treatment and evaluation of patients. Dr. Ponzio also demonstrated otherwise that he lacked honesty and judgment and integrity insofar as he used letterhead for months where he claimed he was Fellow of the American College of Cardiology yet he was not. When he came before the Panel, he stated that he used it for only a few months. He backdated patient's medical records. D.A.G. Jespersen cited many examples through the record to support each of these allegations. In conclusion, he urged the Board to uphold the Committee's findings of fact and conclusions of law. He urged the Board to uphold the immediate temporary suspension of Dr. Ponzio's license to practice medicine and surgery in the State of New Jersey.

The Board, upon motion made and seconded, voted to go into executive session for deliberations and advice of counsel. All parties, except counseling staff, left the room.

The Board returned to open session and announced the following motion.

**THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO RATIFY THE DECISION OF THE COMMITTEE IN TOTAL FOR THE REASONS EXPRESSED IN THE COMMITTEE'S WRITTEN DECISION AFTER HAVING CONSIDERED THE TRANSCRIPT AND FULL RECORD OF THE HEARING HELD IN THIS MATTER AND ARGUMENTS OF COUNSEL.**

## **OLD BUSINESS**

1. GOLDSTEIN, Jerrold B., (License # MB 22185  
(COUNSELING D.A.G.: DICK, Sandra Y.)  
BAUDRY, Adriana E., D.A.G. for Complainant  
GORRELL, Joseph M., Esq. for Respondent

Dr. Robins was recused from discussion and vote in this matter.

As the Board was aware, the license of Jerrold Goldstein D.O. was temporarily suspended by the Board on August 30, 2004. The suspension was based upon a relapse from sobriety by Dr. Goldstein in the spring and early summer of 2004. Attached was Mr. Gorrell's request that Dr. Goldstein be permitted to resume the practice of medicine and surgery in New Jersey. Documents which contained medical information were enclosed in the closed session materials. Last month, the Board was asked to consider this matter on the papers solely for the determination of whether or not the proofs warranted an appearance before a Committee of the Board to further consider and determine whether modification of the Order was appropriate.

The Board, upon motion made and seconded, had voted to table respondent's request for reinstatement based on insufficient submissions by the respondent, as required in the Order, until the December 8, 2004 meeting and also due to the lateness of the last submission which did not afford time for a response from prosecution.

Attached were copies presented to the Board at last month's meeting, as well as DAG Baudry's November 29, 2004 response to Mr. Gorrell's request.

**THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO DENY AN APPEARANCE FOR DR. GOLDSTEIN AT THIS TIME AS THE GIVEN REPORTS OF DR. FERNANDEZ AND THE LACK OF RECORDS FROM DR. SILVERMAN, SUCH APPLICATION FOR AN APPEARANCE IS PREMATURE. THE BOARD WILL NOT CONSIDER A REAPPLICATION UNLESS AND UNTIL THERE IS A PRESENTATION OF ALL RECORDS OF DR. GOLDSTEIN'S TREATMENTS AND HOSPITALIZATIONS**

TO THE BOARD AND THE PHP AND A DEMONSTRATION OF HIS EFFORTS TO RETRIEVE SUCH RECORDS IF ANY ARE AVAILABLE, AND UNTIL AT LEAST SIX MONTHS FROM WHEN DR. GOLDSTEIN RE-ENTERS THE PHP PROGRAM AND DEMONSTRATES FULL COMPLIANCE WITH PHP RECOMMENDATIONS INCLUDING, BUT NOT LIMITED, TO DEMONSTRATION OF SOBRIETY.

2. COHEN, Wendy, M.D. (License # MA 32189)  
Pro Se  
(Counseling D.A.G.: S.D.A.G. Sandra Dick)  
BEY, Hakim, D.A.G. for Complainant

This matter was before the Board based on the D.A.G.'s filing of a Notice of Motion for a Summary Decision with an accompanying Letter Brief, Certification and Exhibits. Although Respondent wrote in to the administrative office representing that a full and complete written response would be sent, nothing had been received to date. Respondent, however, had denied all allegations set forth in the Complaint. Subsequent to the mailing of the agenda and materials, Dr. Cohen wrote the Board office requesting an adjournment of the matter.

THIS MATTER WAS ADJOURNED TO THE JANUARY 12, 2004 MEETING.

3. AMBROSE, Jebamoni, M.D. (License # MA 25573)  
(Flanzman, Steven N., Counseling D.A.G.)  
HAWKINS, Eldridge Esq., for Respondent  
GOODMAN, Daniel D.A.G. for Complainant

Attached was a copy of D.A.G. Goodman's certification of costs in the above referenced matter, as well as the response thereto of Mr. Hawkins, Esq.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO TABLE DECISION ON THE ASSESSMENT OF ATTORNEY'S FEES AND REQUESTED A RESPONSE FROM THE ATTORNEY GENERAL PROVIDING GREATER DETAIL CONCERNING THE SUBMISSION. THE BOARD IS ASSESSING FEES OF \$544.70 REPRESENTING \$368.30 IN TRANSCRIPTS OF COURT REPORTER COSTS AND \$176.40 IN ENFORCEMENT BUREAU SERVICE COSTS. THE BOARD IS DENYING MR. HAWKIN'S REQUEST IN PARAGRAPH 31 OF HIS SUBMISSION FOR RECONSIDERATION OF THE FINAL DETERMINATION OF THE BOARD AND THE BOARD ALSO DETERMINED THAT THE ARGUMENT IN PARAGRAPH 32 OF MR. HAWKIN'S SUBMISSION - THAT THE BOARD LACKS STATUTORY AUTHORITY TO ASSESS COSTS - TO BE WITHOUT BASIS AND DENIES THAT.

4. LEVINE, Benjamin, M.D., Pro se  
(Flanzman, Steven N., Counseling D.A.G.)

Attached was a letter from Dr. Levine requesting that the Board voluntarily remove the lien on Wedgewood Court, and requesting that the Board enter into negotiations to settle the lien such that a reasonable amount might be paid by a third party. It would also appear that Dr. Levine was asking to renegotiate the terms of his Consent Order.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO TABLE THIS MATTER AND DIRECTED THE ATTORNEY GENERAL TO CONTACT THE COURT AND OBTAIN ADDITIONAL INFORMATION CONCERNING THE CIRCUMSTANCES REGARDING THE ENTRY OF THE CONSENT ORDER..

D.A.G. Sandra Dick was recused from discussion and left the table.

5. KING, John A., D.O. (License # MB 47752)

By Provisional Order of Discipline entered on April 19, 2004, the Attorney General sought to suspend Dr. King's license in New Jersey until such time as his license to practice medicine in the State of West Virginia was fully

reinstated without restriction. In response to the P.O.D., counsel for Dr. King represented that the West Virginia Board made no findings that respondent engaged in any act or omission justifying the revocation of his license. Additional information received from West Virginia and Texas indicated that neither Board made any findings of fact or conclusions of law. Therefore, there did not appear to be a basis for any disciplinary action by this Board. The Attorney General's Office recommended that the Board dismiss the P.O.D. for a lack of findings of fact by either of the sister states.

THE BOARD, UPON MOTION MADE AND SECONDED, MOVED TO DISMISS THE P.O.D. FOR A LACK OF FINDINGS OF FACT BY EITHER OF THE SISTER STATES.

**NEW BUSINESS** 1. Sister-State Matters - Proposed Final Order of Discipline  
BROWN, Joyce, D.A.G.

MAHMUD, Asif, M.D.

Enclosed for Board consideration was an Affidavit of Service with respect to the Provisional Order of Discipline that was issued by this Board and sent to Dr. Mahmud on September 14, 2004. To date, no response had been received.

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

The meeting ended at 7:25 p.m.

Respectfully Submitted,

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Gregory Rokosz, M.D.  
Chairperson for Open  
Disciplinary Matters

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