NJ STATE BOARD OF MEDICAL EXAMINERS
OPEN DISCIPLINARY MINUTES

- DECEMBER 12, 2001

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, December 12, 2001 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor, Conference Center, Trenton, New Jersey for OPEN DISCIPLINARY MINUTES, open to the public. The meeting was called to order by David M. Wallace, M.D., Chairperson for Open Disciplinary Matters.

PRESENT

Present were Board Members Chen, Criss, Farrell, Haddad, Harrer, Lucas, Moussa, Perry, Ricketti, Robins, Rokosz, Trayner, Wallace, Walsh and Weiss.

EXCUSED

Board Members Desmond, Huston, Patel, Paul and Reid.

ALSO PRESENT

Deputy Attorneys General Bey-Lawson, Dick, Ehrenkrantz, Flanzman, Gelber, Goodman, Joyce, Kenny, Levine, Pham and Warhaftig; Executive Director Roeder and Medical Director Gluck, New Jersey State Board of Medical Examiners.

RATIFICATION OF MINUTES

The Minutes from the November 14, 2001 Board meeting were approved as amended and corrected.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

WESLEY, Joseph, M.D., License #36493, Pro se (Counseling DAG: JOYCE)
EHRENKRANTZ, Kay, D.A.G.

(Proceedings recorded by Miriam Rios, C.S.R., RENZI & ASSOCIATES)

Prior to the start of the hearing, the Board voted to go into executive session to discuss this matter with counsel to the Board, D.A.G. Joyce. Deputies, other than counseling staff left the room, along with all other members of the public present.

The Board returned to open session with all parties present.

Matter set down for hearing on an Order to Show Cause and Motion for Summary Decision filed by the Attorney General on November 21, 2001, why Dr. Wesley's license should not be suspended or revoked on allegations that he knowingly practiced medicine without a current license, knowingly made a misrepresentation on his biennial renewal form, did not maintain a malpractice liability insurance policy in effect during the period which he practiced, lied to the Board, and prescribed medications and eye glasses to patients using the prescription pad and D.E.A. number of another physician and phoned in prescriptions in the name of another practitioner. Submitted for Board review were the Order to Show Cause, Verified Complaint and D.A.G. Ehrenkrantz' letter brief with attachments filed November 21, 2001.

D.A.G. Ehrenkrantz informed the Board, and Dr. Wesley confirmed, that Dr. Wesley admitted to the violations in the Verified Complaint and requested permission to move to the mitigation phase of this matter. She began by summarizing the counts in the Verified Complaint, which included the practice of medicine while on a suspended license, his failure to maintain malpractice insurance while practicing during this period, his misrepresentation to the Board on his biennial renewal application and his lying during a Preliminary Evaluation Committee (PEC) appearance. Dr. Wesley, on the record, admitted to the allegations of the Verified Complaint.

In mitigation, Dr. Wesley explained that when he received the letter from the State to be licensed during that time period, it also stated that he had to have malpractice as a condition of getting the license. When he contacted the insurance company, he found himself to be in a quandary -- he needed a license to get malpractice insurance and he needed malpractice insurance to get the license. He went on explaining that his initial response was to do nothing. Although he admitted that he did misrepresent to the Board what he had been doing, he maintained that his misrepresentations were not intentional. He requested the Board to take into consideration the fact that he eventually admitted his mistakes to the Board. He also asked the Board to consider that he does not have a history with the Board and that he has not abused the system prior to this incident. He further explained that at the time that this happened, his practice was steadily declining. He attempted to join a number of HMOs and that with a non-renewed license, this became impossible. He also decided that he had to finally tell the truth because of the potential problems his lying was causing for Dr. Goldfarb (whose office Dr. Wesley practiced at). Dr. Wesley also asked the Board to consider his medical practice, about which there have been no complaints. Also, when he realized that he did not have a current license, he removed himself from the hospitals and discontinued practicing surgery.

Dr. Wesley appeared confused as to what he was supposed to do following his PEC appearance. He believed that the PEC simply instructed him to get his license current. He did not believe that the PEC informed him that he should stop practicing. After the PEC, he practiced two additional days and then stopped thereafter. He recalled meeting with Dr. Goldfarb on the Tuesday after the PEC appearance and agreed to immediately stop practicing. He also recalled that the attorney from the PEC told him she would get back to him with a written response. He told the Board that he assumed the letter would explain the procedures to restore his license. When the letter did not arrive within two weeks, he resubmitted his renewal application.

D.A.G. Ehrenkrantz opened by stressing that this was a serious matter statutorily. The first time Dr. Wesley failed to renew for 1997 to 1999 the Board accepted his representation. However, simultaneously, the Board provided to him a renewal for the period 1999-2001 in March 1999, he never submitted the application until May 2001, and it was at that time when he was informed he was practicing with a suspended license. Not only did he continue to practice with a suspended license, but used another licensee's DEA number. He chose to do nothing before the month the next renewal period began. Dr. Wesley knowingly reacted in a deceptive manner. He knowingly lied to the Board members. He specifically testified that he practiced medicine without a license. The Attorney General urged that the only appropriate discipline for the conduct admitted to by Dr. Wesley is the active suspension of his license. The Attorney General sought from the Board the active suspension of license, a cease and desist order, the obtaining of a psychiatric evaluation and requiring that he demonstrate fitness to practice at an appearance before the Board or a Committee prior to resumption of practice, including costs of the investigation and any other form of relief the Board deemed appropriate.

The Board voted to go into executive session for purposes of deliberation. Deputies, other than counseling staff left the room, along with all other members of the public present.

After deliberation and with all parties present, the Board voted as follows:

THE BOARD HAS CONSIDERED THE MOTION FOR SUMMARY DECISION BEFORE IT TODAY AND GRANTS THAT MOTION FOR SUMMARY DECISION, AND ALSO CONSIDERED THE MITIGATION PRESENTED BY DR. WESLEY.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT DR. WESLEY'S LICENSE TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY BE REVOKED. THE BOARD WILL NOT ENTERTAIN AN APPLICATION FOR REINSTATEMENT FOR A PERIOD OF TWO YEARS. IN CONNECTION WITH ANY REAPPLICATION, DR. WESLEY SHALL APPEAR BEFORE A COMMITTEE OF THE BOARD TO DEMONSTRATE HIS FITNESS TO PRACTICE AND TO PRESENT EVIDENCE OF A NEUROPSYCHIATRIC AND PSYCHOMETRIC EVALUATION BY A BOARD-APPROVED EVALUATOR AND PROOF OF SUCCESSFUL PASSAGE OF AN ETHICS COURSE APPROVED BY THE BOARD. DR. WESLEY IS ALSO ASSESSED A PENALTY OF $5,000 AND IS TO PAY COSTS OF THIS PROCEEDING INCLUDING ATTORNEYS' FEES. IT SHOULD BE CLEAR THAT EFFECTIVE TODAY, DR. WESLEY SHALL CEASE AND DESIST FROM ANY PRACTICE OF MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY. A WRITTEN ORDER WILL FOLLOW.

JARMON, Robert G., M.D. (Counseling Deputy: DICK)
CONROY, Robert J., Esq., for Respondent
BEY-LAWSON, Hakima, D.A.G.

(Proceedings recorded by Miriam Rios, C.S.R., RENZI & ASSOCIATES)

The Board voted to go into executive session for advice of counsel regarding this matter. Deputies, other than counseling staff left the room, along with all other members of the public present.

The Board returned to open session with all parties present.

The Board received under separate cover an Order to Show Cause, Certification of Hakima Bey-Lawson, Complaint Verified as to Count I and Count II, and D.A.G. Bey-Lawson's letter brief filed December 6, 2001.

The Board also received as a handout a December 4, 2001 letter from D.A.G. Bey-Lawson to Mr. Conroy requesting his client's position in this matter; Mr. Conroy's letters of December 7 and 9, 2001 to Executive Director Roeder responding to the Service of the Order to Show Cause; D.A.G. Bey-Lawson's December 10, 2001 response to Mr. Conroy's letters addressed to Executive Director Roeder; Mr. Conroy's December 10, 2001 letter to Executive Director Roeder responding to D.A.G. Bey-Lawson's offer to consent to an adjournment of the hearing in this matter if the doctor would be willing to agree to the interim suspension of his license; and Board President Harrer's December 10, 2001 letter to Mr. Conroy advising that he will grant an adjournment of the proceeding scheduled for this day only on condition there is a signed Consent Order in which the doctor agrees to voluntarily surrender his license and cease practice, without any admissions and reserving his right to defend this matter until this matter is heard at an adjournment date which would be scheduled at the next meeting of the Board on January 9, 2002. The Board also received as a handout a December 12, 2001 letter from Mr. Conroy to Executive Director Roeder formally responding to the Order to Show Cause.

Chairman Wallace announced that this matter has been set down on the Order to Show Cause seeking the temporary suspension of the license of Dr. Jarmon, based on allegations that Dr. Jarmon had sexually inappropriate contact with his psychiatric patient in the years 1999 and 2000 and that Dr. Jarmon ceased maintaining any treatment records for the patient although he continued to render services. Respondent has written objections to the hearing going forward on this day, requested an adjournment and represented that the doctor is not presently practicing. In other words, Mr. Conroy requested to address the Board at its January 9, 2002 meeting to address and withdraw the Complaint and seal this matter. The correspondence submitted by the parties was presented to Board President Harrer to determine whether to grant the adjournment. Board President Harrer would only do so if a Consent Order was signed that Dr. Jarmon would cease practice until matter is heard on an adjournment date. No Order was signed at this time. This matter was presented to the Board to consider ratification of the Board President Harrer's action and consider the application of the Attorney General for temporary suspension of licensure.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RATIFY THE ACTIONS OF BOARD PRESIDENT HARRER SIGNED ON DECEMBER 10TH.

Mr. Weiss was not present for discussion and vote.

Chairman Wallace stated that the Board has an application before it to seal the records relating to the patient and asked if Mr. Conroy had a position.

Mr. Conroy requested that the Board deny the Attorney General's application to seal the record. His reasoning was based on the civil action brought by the complainant and by virtue of law, she has put her history in public record because of the Superior Court record. Because there is an existing law suit that may be germane to this issue, he believed that the Board was precluded from sealing the record.

D.A.G. Bey- Lawson reminded the Board that the Uniform Procedure Rules provide for a sealing of records in order to protect the confidentiality of an individual. In this matter, the malpractice action pending has no effect on the proceeding before the Board. She further explained that the Attorney General's position is that the identity of this patient should remain confidential in spite of the pending civil case. That case has no effect on this Board's pending matter.

To the contrary, Mr. Conroy argued that Respondent intends to use the record in that matter (not the patient records) to defend the doctor in this case and will do so in the public record and will make reference to the individual's name. He again affirmed that he did not believe the Board had the ability to seal the record, planned on using the unsealed records and will proceed on that basis.

The Attorney General acknowledged that Respondent can use whatever records he deemed appropriate to defend himself, but that did not justify the releasing of the patient's name to the public.

The Board voted to go into executive session for advice on this legal argument. Deputies, other than counseling staff left the room, along with all other members of the public present.

The Board returned to open session with all parties present and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, ORDERED THAT ALL DOCUMENTS IN THE APPENDIX BE SEALED OF THE STATE'S APPLICATION FOR A TEN-DAY PERIOD OF TIME TO PERMIT D.A.G. BEY-LAWSON AN OPPORTUNITY TO SUBMIT A COPY OF THE APPENDIX DOCUMENTS THAT REDACTS ALL INFORMATION THAT GIVES THE PATIENT'S ADDRESS, NAMES OF RELATIVES AND REDACTED TO NOT DISCLOSE THE PATIENT'S IDENTITY. THE BOARD DIRECTED THE COURT REPORTER TO REFER TO THE PATIENT AS P.R. AND TO CORRECT THE TRANSCRIPT SHOULD ANY MENTION OF HER NAME BE REFERRED TO.

Mr. Weiss was not present for discussion and vote.

In her opening remarks, D.A.G. Bey-Lawson reminded the Board that this case involves a psychiatrist, Dr. Jarmon, who maintains an office in Spring Lake, is licensed in New Jersey and engaged in a sexual relationship with his patient, P.R. The Attorney General sought the suspension of his license pending the disposition of plenary hearing since his practice constitutes a danger to the health, safety and welfare of the citizens of New Jersey. The evidence introduced by the Attorney General, the deputy maintained, would show that P.R. reported and also testified before a Committee of the Board that she sought treatment of Dr. Jarmon in January 1999 to deal with several problems. She also testified three months into treatment she began a relationship with him that included sexual contact. Patient P.R. also testified shortly after that, that they actually engaged in full sexual intercourse during hours at his office. P.R. reported this with four of her treating health care providers. The information will show that those providers also appeared before a Committee of the Board. The evidence today will palpably demonstrate that the doctor's continued practice will be a danger. The applicable statute for temporary suspension is N.J.S.A. 45:1-22 and that statute

provides the Board may, upon a verified application by the Attorney General, enter a temporary Order pending plenary hearing, provided that the application made to the Board palpably demonstrates the licensee's clear and imminent danger. She stated the Attorney General will demonstrate the doctor's continued practice is a danger to the public.

Mr. Conroy chose not to make an opening statement and reserved his time for his closing.

In putting on her case in chief, D.A.G. Bey-Lawson identified the documents the Attorney General would rely: P-1 - Sworn statement of P.R. dated January 17, 2001; P-2 - P.R.'s treatment records provided by Dr. Jarmon's attorney by response to subpoena; P-3 - transcript of P.R.'s testimony before Committee of this Board; P-4 - true copy of P.R.'s treatment records maintained by Susan Bong-Rhee, M.D., treating physician; P-5 - treatment records by Robert Dengrove, M.D., P.R.'s subsequent treating doctor; P-6, P.R.'s treatment records maintained by John Hennessy, Ph.D.; P-7, P.R.'s treatment records maintained by Margaret Beekman, Ph.D., subsequent treating provider; P-8, transcript of Robert Dengrove, M.D., before a Committee of the Board on August 22, 2001; P-8 - sworn testimony of Susan Bong-Rhee, Ph.D., before a Committee of the Board on August 22, 2001; P-9, transcript of John Hennessy, Ph.D., before a Committee of the Board on July 26, 2001; P-10, transcript of Margaret Beekman, Ph.D., before a Committee of the Board on July 26, 2001; P-11, copies of canceled checks made out to Dr. Jarmon written by the patient, P.R., demonstrating payments which were endorsed by Dr. Jarmon; P-12 - Certification of Service from State Investigator, Luis Inoa, that Dr. Jarmon was personally served with the Order to Show Cause on December 6, 2001. Offered P-1 through P-12 into evidence.

Mr. Conroy placed his continuing objection on the record as to the introduction of these exhibits. He wished to preserve his right to challenging them at the Office of Administrative Law.

D.A.G. Bey-Lawson directed the Board's attention to important dates mentioned in P.R.'s testimony before a Committee of the Board. January 1999 was when P.R. sought treatment from Dr. Jarmon. Three months later, April 1999, P.R. testified that the intimate sexual contact and fantasy play commenced. She testified that some of the sexual contact included hugging, kissing, undressing each other, and the patient massaging Dr. Jarmon with oil. She explained the sessions in detail before the Committee of Board. P.R. testified that her treatment sessions were two hours a day, two times a week. During these sessions, they would sit on the floor and talk. Another important date, May 21, 1999, is the date she testified the full sexual intercourse began, and again on May 25th, a few days later. This all occurred during her regularly scheduled treatment sessions in Dr. Jarmon's office which is connected to his residence. Another date, October 1999, the date P.R. testified as being the time period she stopped making payments to Dr. Jarmon for treatment sessions. She further testified that in April 1999, Dr. Jarmon stopped maintaining records for her, although she continued in treatment with him from April to October. The Board was also directed to sworn testimony of the four subsequent treating doctors: Dengrove, Bong-Rhee, Hennessy and Beekman. They testified that P.R. reported to them sexual relationship with her psychiatrist. In May 1999, P.R. reported the relationship to Dr. Hennessy, although she did not reveal Dr. Jarmon's name at that time. Dr. Hennessy testified that he was able to figure it out on his own. Once P.R. realized he knew who the individual was, she chose not to return to him. Regarding the testimony of Dr. Bong-Rhee, she testified that as late as January 2000 P.R. reported engaging in sexual relationship with her psychiatrist.

D.A.G. Bey-Lawson concluded by arguing that Dr. Jarmon has a total lack of control, a total disregard of the ethical standards of a licensee, that he engaged in sexual relationship with one of his patients, a person who came to him for help. D.A.G. Bey-Lawson argued Dr. Jarmon's behavior has demonstrated that his continued practice so clearly poses a danger to the health, safety and welfare, that the only remedy of suspension of the doctor's license will serve to protect the public.

Mr. Conroy opened by stressing that this was not a case about sex. The question or issue before the Board was rather straight forward. Simply put, does this particular physician present a clear and imminent danger to the public health, safety or welfare of the citizens of New Jersey. He noted that the deputy offered the Board a citation to the relevant statute because unless the Board can make a finding by the preponderance

of the evidence that pertains here, the Board is not legally permitted to enter an order suspending the physician's license. He argued that no matter what the Attorney General's Office believes it will be able to prove is wholly, absolutely irrelevant. He asked what proof has been offered that the doctor is clear and imminent danger to public safety, health or welfare. Mr. Conroy maintained that none had been produced. To the contrary, the Board was presented, according to Mr. Conroy, with a lot of allegations from the past and a number of references from the past in the documents. Mr. Conroy thought that it was of interest that a number of licensees who, under current regulations, have a duty to report this kind of information to the Board chose not to. He submitted the reason not one of them reported Dr. Jarmon to the Board was because, in their professional opinion, they did not perceive that there was an imminent danger to the health, safety or welfare, while the deputy argued that the doctor's continued practice presented a clear and imminent danger to the public health, safety and welfare. Mr. Conroy argued the factual situation, which the deputy and the Board have been made aware of, that this physician is not practicing in New Jersey, nor anywhere else. He argued Dr. Jarmon is not in this State at this time, has not been, and will not be returning to this State for a while. He noted that the Board was being asked to find a physician who is not practicing and is 1300 miles away a clear and imminent danger to the health, safety and welfare. Mr. Conroy represented that Dr. Jarmon will not practice in this State until the Board determines him fit to return to practice.

In the event, however, the Board determines to suspend Dr. Jarmon, Mr. Conroy explained that they would request the Board to stay the decision. If that is denied, Mr. Conroy requested that the matter be transferred immediately to the Office of Administrative Law for an expedited hearing for the vigorous defense he anticipated being offered on behalf of his client.

In her rejoinder, D.A.G. Bey-Lawson pointed out that it was interesting that counsel advised the Board that the doctor is so far away, thereby, he poses no imminent danger to the public. Only served last week on Thursday, the doctor was personally served with the Verified Complaint because he was in the State of New Jersey. Even if the Board were to accept his representation that he would not practice, there is no mechanism in place to preclude him at any given moment to resume practicing in this State. Without an order, he can continue. The Attorney General submitted that the public is still in danger of being harmed with Dr. Jarmon continuing to practice.

Mr. Conroy gave the Board his word and stated on the record that Dr. Jarmon will not practice in this State until and unless the Board permits him. He again assured the Board that Dr. Jarmon was not practicing and that Mr. Conroy has already directed him to withdraw his web page so there is nothing saying he is holding himself out to practice. In addition to not practicing in this State, he will not practice, according to Mr. Conroy, in any other State.

The Board voted to go into executive session for deliberation. Deputies, other than counseling staff left the room, along with all other members of the public present.

With all parties present, the Board voted as follows:

GIVEN THE EGREGIOUS NATURE OF THE CONDUCT ALLEGED BY THE UN-REBUTTED SWORN TESTIMONY AND CERTIFICATIONS BEFORE THE BOARD TODAY THAT DR. JARMON ENGAGED IN SEXUAL MISCONDUCT WITH A PSYCHIATRIC PATIENT, AND GIVEN THE SPECIAL VULNERABILITY OF DR. JARMON'S PSYCHIATRIC PATIENT POPULATION, THE BOARD FINDS CLEAR AND IMMINENT DANGER TO THE PUBIC SHOULD DR. JARMON CONTINUE TO PRACTICE IN NEW JERSEY. ALTHOUGH DR. JARMON IS PRESENTLY OUT OF STATE, WE HAVE NO WAY OF ASSURING THAT DR. JARMON WILL RETURN AND PRACTICE AND, INDEED, HE WAS IN NEW JERSEY AS EARLY AS ONE WEEK AGO AND THERE IS NO STATEMENT FROM DR. JARMON AS TO THE FUTURE.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO TEMPORARILY SUSPEND THE LICENSE OF DR. JARMON PENDING THE CONCLUSION OF THE PLENARY PROCEEDING

IN THIS MATTER. GIVEN THIS ORDER, WE DIRECT THE PARTIES TO CONFER REGARDING ACCELERATED PROCEEDINGS AT THE OFFICE OF ADMINISTRATIVE LAW. AN ORDER MORE FULLY DETAILING THE BOARD'S DECISION WILL FOLLOW.

Mr. Weiss was not present for discussion and vote in this matter.

Mr. Conroy made an application for a stay of the Board's decision for 15 days.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE STAY.

Dr. Haddad abstained from vote.
Mr. Weiss was not present for vote.

OLD BUSINESS

1. FIKS, Juan Bernardo, M.D., License #25592 (Without Appearance)
CORRISTON, Timothy E., Esq., for Respondent
ALBERTSON, B. Michelle, D.A.G.

A Provisional Order of Discipline (POD) was filed August 28, 2001 which would suspend the above physician's license for 60 months, with active suspension for six months and a 4 - year stayed suspension to be served as probation should he seek activation of his New Jersey license. Enclosed for Board consideration were D.A.G. Albertson's November 20, 2001 letter to the Board; Mr. Corriston's October 11 and November 5, 2001 responses; and the POD with attachments filed August 28, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE POD TO BECOME A FINAL ORDER OF DISCIPLINE BUT AMENDED IT TO BE RETROACTIVE TO THE NEW YORK ACTION.

2. FINALIZATION OF PROVISIONAL ORDERS OF DISCIPLINE
ALBERTSON, B. Michelle, D.A.G.

The Board reviewed D.A.G. Albertson's November 1, 2001 letter to the Board concerning Provisional Orders of Discipline (PODs) filed with respect to each of the five physicians listed below. Each matter was subject to finalization 30 days after issuance and no responses were received. The Attorney General sought the entry of Final Orders of Discipline without modification for each of the physicians listed below.

1. GALIN, Miles, M.D.

An Amended POD was filed September 19, 2001 which would revoke the above physician's license. Enclosed was Executive Director Roeder's November 13, 2001 Affidavit with attachments.

SINCE EXECUTIVE DIRECTOR ROEDER'S AFFIDAVIT REFLECTS THAT THE POD WAS SERVED ON THE DOCTOR'S ATTORNEY AND WAS RETURNED AS UNDELIVERABLE, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT ANOTHER ATTEMPT BE MADE TO SERVE DR. GALIN AT HIS ADDRESS AS OPPOSED TO THE ATTORNEY'S ADDRESS.

2. HILTON, James R., D.O.

The POD was filed September 17, 2001 which would suspend the above physician's license until repayment of Health Education Assistance Loan or an agreement to repay the debt has been executed by all parties and further issues a reprimand. Enclosed was Executive Director Roeder's November 13, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE

PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

3. NIN, Frederick L., M.D.

The POD was filed September 19, 2001 which would reprimand the above physician. Enclosed was Executive Director Roeder's November 13, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

4. PEARL, Richard E., M.D.

The POD was filed September 18, 2001 which would suspend the above physician's license until such time as he demonstrates there are no restrictions on his New York license and further issues a reprimand. Enclosed was Executive Director Roeder's November 13, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

5. REDONDO, Ileana V., M.D.

The POD was filed September 19, 2001 which would revoke the above physician's license. Enclosed was Executive Director Roeder's November 13, 2001 Affidavit with attachments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

3. FISHTEIN, Mark B., D.O., License #64494 (Without Appearance)
KAPLAN, David S., Esq., for Respondent
ALBERTSON, B. Michelle, D.A.G.

A Provisional Order of Discipline (POD) was filed August 28, 2001 which would suspend the above physician's license for three years, to be stayed and served as probation upon commencement of his active practice in New Jersey. Enclosed for Board consideration were D.A.G. Albertson's November 14, 2001 letter to the Board; Mr. Kaplan's September 24, 2001 response with attachments; and the POD with attachments filed August 28, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO WITHDRAW THE PROVISIONAL ORDER OF DISCIPLINE FILED IN THIS MATTER.

4. NASSERY, Mohammed D., M.D. (Without Appearance)
SEKANDER, K. Collin, Esq., for Respondent
ALBERTSON, B. Michelle, D.A.G.

A Provisional Order of Discipline (POD) was filed September 17, 2001 which would issue a reprimand to the above physician. Enclosed for Board consideration were D.A.G. Albertson's November 19, 2001 letter to the Board; Mr. Sekander's November 9, 2001 response; and the POD with attachments filed September 17, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO FINALIZE THE PROVISIONAL ORDER OF DISCIPLINE WITH A FINAL ORDER OF DISCIPLINE.

5. SHARMA, Surendra M., M.D., License #35859 (Without Appearance)
SCHOPPMANN, Michael J., Esq., for Respondent
DICK, Sandra Y., D.A.G.

A Consent Order was filed March 17, 1999 in the matter of Dr. Sharma. Since January 26, 1996, Dr. Sharma underwent an evaluation at the Professional Assessment Program, Abbott Western Hospital, in Minnesota. He was found to demonstrate no evidence of a personality or sexual disorder and the director of the program opined that Dr. Sharma was safe to practice medicine. The Board ordered that a restricted license to practice medicine and surgery in the State of New Jersey be issued to Surendra M. Sharma, M.D. upon entry of this Consent Order. He shall not practice except as an employee of another physician, licensed in New Jersey and approved in advance by this Board, said practice restricted to the performance and evaluation of cardiologic testing. He shall perform no examinations of genitalia. The physician by whom Dr. Sharma is employed shall be fully aware of Dr. Sharma's situation, agree to supervise Dr. Sharma as specified and submit a written report to the Board every three months with immediate reporting of any patient complaint or failure to cooperate or comply with the terms of this Order. He must be accompanied by a chaperone whenever he sees, tests, examines or treats a female patient. Said chaperone is to be a licensed health care professional, who must record her presence on the medical records of all female patients and agrees to report immediately any failure of Dr. Sharma to cooperate with or circumvent this Consent Order. He shall continue to see his psychiatrist no less often than once per month until further Order of the Board with quarterly reports to the Board. He may not apply for reduction in restrictions until he has practiced under these restrictions for at least two years.

Enclosed for Board consideration was a November 6, 2001 petition to lift the restrictions on Dr. Sharma's license and restore his license to full unrestricted licensure submitted by Mr. Schoppmann which includes Exhibits A through M. As this request was not forwarded to the Attorney General's Office, no response was available at this time. The March 17, 1999 Consent Order is included with Mr. Schoppmann's packet as Exhibit F. Also enclosed for Board review were all quarterly reports received by the Board Office through Mr. Schoppmann from Steven L. Singer, M.D., Dr. Sharma's treating psychiatrist. They were as follows: report dated August 1, 1999 for the period May 1, 1999 through July 31, 1999; report dated November 1, 1999 for the period August 1, 1999 through October 31, 1999; report dated February 2, 2000 for the period November 1, 1999 through January 31, 2000; report dated August 2, 2000 for the period May 1, 2000 through July 30, 2000; report dated November 1, 2000 for the period August 1, 2000 through October 30, 2000; report dated May 15, 2000 for the period February 1, 2000 through April 30, 2000; and report dated February 1, 2001 for the period November 1, 2000 through January 31, 2001. Mr. Schoppmann included in his submission as Exhibit I Dr. Singer's report dated June 1, 2001 for the period February 1, 2001 through April 30, 2001, and report dated July 31, 2001 for the period May 1, 2001 through July 31, 2001.

The Board was asked to determine whether it should request an Attorney General response, request more information, schedule Dr. Sharma for an appearance, or grant this request without an Attorney General response.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SCHEDULE THIS MATTER BEFORE A PEC WITH AN OPPORTUNITY FOR RESPONSE TO BE PROVIDED BY THE ATTORNEY GENERAL PRIOR TO THE APPEARANCE.

6. SINGH, Manjit, M.D. (Without Appearance)
GORRELL, Joseph M., Esq. (Counseling Deputy: JOYCE)
GELBER, Joan D., D.A.G.

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

The Board received as a handout, at its April 20, 2001 meeting, D.A.G. Joyce's April 19, 2001 memo to the Board; Mr. Gorrell's March 14, 2001 letter requesting that Dr. Singh be granted an unrestricted license; D.A.G. Gelber's April 4, 2001 reply; Mr. Gorrell's April 9, 2001 letter of clarification; and the Final Consent Order Including Limited Reinstatement of License on Conditions filed May 6, 1997 and the Modified Final Order filed October 28, 1999. The documents were again provided to the Board for its review at this meeting. The Board, at its April meeting, voted to reject counsel's request that Dr. Singh be granted an unrestricted license, since Dr. Singh had not paid any of the costs assessed in this matter, had

not yet paid even 10% of the money back to the patients, and had not provided anything from the current treating psychiatrist to verify Mr. Gorrell's April 9, 2001 letter. The Board stated Dr. Singh should maintain a relationship with the psychiatrist and continue in treatment, and continue attending gambler's anonymous. The Board received for review D.A.G. Joyce's April 23, 2001 letter to Mr. Gorrell and D.A.G. Gelber, and Mr. Gorrell's November 26, 2001 response with attachments requesting that the Board issue an Order granting Dr. Singh an unrestricted license.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ISSUE AN ORDER GRANTING DR. SINGH AN UNRESTRICTED LICENSE THEREBY ELIMINATING CERTAIN RESTRICTIONS CONTAINED IN PRIOR ORDERS, WHILE MAINTAINING OTHER CONDITIONS. IT WAS ALSO SUGGESTED THAT THE ATTORNEY GENERAL AND DR. SINGH'S ATTORNEY DISCUSS THE DEVELOPMENT OF A MORE EQUITABLE PAYMENT SCHEDULE.

7. WATSON, Jerrod C., A.T. (Without Appearance)
ASHLEY, Thomas R., Esq., for Respondent
FLANZMAN, Steven N., D.A.G., Counseling Deputyb

The Board received the Initial Decision decided October 31, 2001 in the matter of Mr. Watson. The Board was advised that D.A.G. Rubin is no longer with the Division of Law and D.A.G. Kenny notified the Board Office that the Attorney General has no objection to the final dismissal of the matter pending at the Office of Administrative Law. The Board also received for review the Complaint filed September 24, 1999 and the Final Order filed June 14, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AFFIRM THE JUDGE'S DECISION THAT ALL ISSUES ARE MOOT AND DISMISSES THE CASE.

8. ROBBINS, David L., Jr., M.D., License #73130 (Without Appearance)
OO, Swang, D.A.G.

The Board returned from closed session and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE A CONSENT ORDER IN THE MATTER OF DAVID L. ROBBINS, JR., M.D., WHICH INCLUDES A VOLUNTARY SURRENDER OF LICENSE FOR SIX MONTHS. AN ORDER WILL BE ENTERED BY THE BOARD TODAY.

D.A.G. ITEMS NOT ON AGENDA

1. PAUL, David M., M.D. (Without Appearance)
KENNY, Paul R., D.A.G.

The Board returned from closed session and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE A CONSENT ORDER IN THE MATTER OF DAVID M. PAUL, M.D., WHICH INCLUDES A VOLUNTARY SURRENDER OF LICENSE FOR SIX MONTHS. AN ORDER WILL BE ENTERED BY THE BOARD TODAY.

REPORT OF NEW COMPLAINTS FILED

1. WESLEY, Joseph, M.D., License #36493 (Woodcliff Lake, NJ)

Verified Complaint filed November 21, 2001 alleging Respondent knowingly practiced medicine without a current license constituting professional misconduct and violation of Board statutes; knowingly

misrepresented his biennial renewal form constituting the use of dishonesty and deception; did not maintain malpractice insurance during the time he practiced thereby violating statute and constituting professional misconduct; violated the Duty to Cooperate regulation thereby constituting professional misconduct, failure to comply with Board regulations and an act of misrepresentation; and prescribed medications and eye glasses to patients using the prescription pad and D.E.A. number of another physician and phoned in prescriptions in the name of another practitioner in violation of N.J.A.C. 13:35-7.2., constituting professional misconduct, failure to comply with Board provisions and acts of misrepresentation.

REPORT OF INTERIM AND FINAL ORDERS FILED WITH THE BOARD

1. AMBROSE, Dean A., D.O., License #48347, (Merchantville, NJ)

CONSENT ORDER filed November 14, 2001. The Board received information from the Physicians' Health Program of the New Jersey Medical Society that Dr. Ambrose had admitted a relapse into the abuse of prescription medications. He had been a participant of the Alternate Resolution Program and subject to PHP monitoring since March 2000. He represented to the Board he has voluntarily refrained from the practice of medicine since July 27, 2001 and agreed to immediately enter into treatment. The Board ordered that he immediately surrender his license to practice medicine and surgery in the State of NewJersey for a minimum of three months from the date of entry of this Order. Prior to any restoration, he must appear before a Committee of the Board to discuss his readiness to re-enter the practice of medicine, provide evidence he is capable of discharging the functions of a licensee in a manner consistent with public health, and that he is not then suffering any impairment or limitation resulting from the use of cocaine, alcohol, or any drug which could affect his practice. He must provide the Board with reports from each/every mental health professional who participated in his care and/or treatment; a report from the PHP detailing the nature/extent of his involvement, and a full account of his conduct during the intervening period of time from his entry into treatment to his appearance pursuant to this Order. EFFECTIVE DATE: November 14, 2001

2. BULKLEY, Timothy, M.D., License #48240 (East Pittsburgh, PA)

FINAL ORDER OF DISCIPLINE AND REINSTATEMENT OF LICENSE WITH RESTRICTIONS filed September 30, 2001. The Board received information that Dr. Bulkley had entered into a Consent Agreement and Order with the Pennsylvania State Board of Medicine wherein his Pennsylvania license was revoked, the revocation stayed, with a one-year active suspension and five years' probation after admitting he was guilty of immoral and unprofessional conduct with two female patients by initiating sexual and romantic relationships with them while they were his patients. He further admitted he had practiced medicine while his ability was impaired by alcohol, drugs or physical or mental disability. The Board ordered that Dr. Bulkley's license to practice medicine and surgery in the State of New Jersey be suspended for one year, with the suspension retroactive to March 1, 2000. The Board further ordered his license be reinstated subject to restrictions. He may be employed only in a Board-approved supervised medical practice and may practice only at that location. His supervisor must report quarterly to the Board regarding Dr. Bulkley's practice of medicine and his drug-free status. Supervisor must report to the Board within 24 hours any behavior indicative of a relapse into substance abuse or psychiatric difficulties. He must participate with the Physicians@ Health Program until further Order of the Board, participation to include participation at support groups, absolute abstinence from alcohol and all controlled substances and prescription medications unless prescribed by treating physician for legitimate medical practice; random urine monitoring no less than once per week with any positive results reported immediately to the Board. Must continue in treatment with a Board-approved psychiatrist until further order of the Board. Psychiatrist to report quarterly to the Board and immediately if any discontinuance of his treatment. Must have a female chaperone present at all times when he is examining female patients. Dr. Bulkley consented to the automatic suspension of his license without notice upon the Board's receipt of any information deemed reliable that he failed to comply with the conditions of this Order, any reports of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of drug abuse, any report of unprofessional conduct, professional boundaries or engaging in sexual relationships with female patients under his care.

EFFECTIVE DATE: March 1, 2000

3. CHAMBERS, Bryan P., M.D., License #62016 (Cherry Hill, NJ)

MODIFIED CONSENT ORDER OF RESTRICTED LICENSURE filed October 15, 2001. On April 4, 2001, Dr. Chambers appeared before a Committee of the Board accompanied by Dr. David Canavan, Medical Director Emeritus of the Physicians Health Program (PHP), to petition the Board to permit him to practice anesthesia at the Hahnemann Hospital under supervision. He testified he will remain in this supervised setting, for a period determined by his supervisor, where he could have his anesthesia skills re-honed prior to returning to private practice. Despite his restoration of license in January 2000, Dr. Chambers has not engaged in the practice of medicine since his January 1997 surrender of licensure. Dr. Canavan testified Dr. Chambers has been fully compliant with prior Board Orders, maintained absolute abstinence from mood-altering chemicals and complied with random urine monitoring. The Board considered all relevant information and ordered that Dr. Chambers be permitted to practice anesthesia only in a supervised setting at Hahnemann University Hospital. Dr. Chambers will continue to undergo random urine monitoring by the PHP, continue his attendance at support groups, and continue psychotherapy, until further Order of the Board, on a schedule to be determined by his therapist. PHP to report quarterly to the Board and immediately report any evidence of non-compliance with this Order or any evidence of relapse. EFFECTIVE DATE: October 15, 2001.

4. COOKE, John R., M.D., License #MA70958 (New Brunswick, NJ)

CONSENT ORDER OF VOLUNTARY SURRENDER filed November 16, 2001. The Board received information from the Physicians' Health Program (PHP) that Dr. Cooke had admitted a relapse into the abuse of alcohol. According to the PHP, he had been a participant in the Alternate Resolution Program and subject to PHP monitoring since October 3, 2001. He entered inpatient treatment at Marworth, Pennsylvania on or about July 20 through August17, 2001. He asked the Board's permission to voluntarily surrender his license to practice medicine without prejudice. The Board has ordered he immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum period of six months from the date of entry of this Order. Prior to any restoration of his license, he must appear before a Committee of the Board to discuss his readiness to re-enter the practice of medicine, provide evidence he is capable of discharging the functions of a licensee in a manner consistent with public health, safety and welfare, and that he is not then suffering from any impairment or limitation resulting from the use of cocaine, alcohol or any drug which could affect his practice. He must continue in treatment with a Board-approved psychiatrist and a Board-approved psychologist, attend support groups, submit to random twice-weekly urine monitoring under the PHP's supervision, meet monthly with PHP representatives, provide reports from each and every mental health professional who participated in his care and/or treatment during the period from entry into treatment until his appearance pursuant to this Order. EFFECTIVE DATE: November 16, 2001

5. DIMAYUGA, Jose E., M.D., License #50855 (01/Inactive) (Daytona Beach, Fl)

FINAL ORDER OF DISCIPLINE filed November 8, 2001. On September 20, 2000, a Final Order was entered with the Florida Board of Medicine wherein Dr. Dimayuga was reprimanded, fined, and required to attend ten hours of continuing medical education per year and complete the University of Florida's Comprehensive Assessment and Remedial Education Services Course and comply with the recommendations. This action was taken after Dr. Dimayuga was charged with failure to render appropriate care and in a timely manner on multiple occasions and failure to practice medicine with an acceptable level of care. A Provisional Order of Discipline was filed with this Board based on the above listed action which allowed Dr. Dimayuga thirty days to respond. He did not respond. The Board has ordered that he be reprimanded. Prior to engaging in any active practice in New Jersey, he must appear before a Committee of the Board to demonstrate his fitness to resume practice. Any practice in this State prior to such appearance shall constitute grounds for a charge of unlicensed practice. EFFECTIVE DATE: November 8, 2001

6. ELLIS, Kent R., M.D., License #46337 (Green Brook, NJ)

CONSENT ORDER GRANTING RESTRICTED LICENSURE filed September 12, 2001. On March 29, 2001, a Consent Order was filed with the Board wherein Dr. Ellis voluntarily surrendered his license to practice medicine and surgery due to a substance abuse problem. Pursuant to his petition for restoration of his license, he appeared before a Committee of the Board accompanied by a representative of the Physicians' Health Program (PHP) of the Medical Society of New Jersey. Dr. Ellis had completed a five-day detoxification program and then successfully completed a long-term inpatient treatment program at the Farley Center in Williamsburg, Virginia. Proof submitted pursuant to his petition for restoration demonstrated he achieved a substantial period of drug-free sobriety and appeared to have been totally compliant with the requirements of the PHP. The Board has ordered that Dr. Ellis' license be restored with restrictions. He may apply for reinstatement of his CDS and DEA registrations. He must refrain from any psychoactive substances, must attend AA/NA meetings, must continue weekly attendance at an aftercare program, must submit to random urine monitoring and must meet monthly with a representative of the PHP until the conclusion of his first year of practice. The PHP is to report quarterly concerning his compliance and immediately if evidence of relapse, positive urine screens or failure to comply with his aftercare program. He must appear before a Committee of the Board no sooner than one year from the date of entry of the Order. He may seek modification of this Order at the time of his appearance. EFFECTIVE DATE: September12, 2001

7. FREMER, Edward, D.O., License #58950 (Bullhead City, AZ)

FINAL ORDER OF DISCIPLINE filed November 8, 2001. On March 19, 1998, Dr. Fremer entered into a Consent Order with the Arizona Board which censured Dr. Fremer for unprofessional conduct and placed him under five years' probation, required a neuro-psychological examination and compliance with the recommended treatment. His failure to disclose this on his application for California licensure resulted in his license being suspended for four years with the suspension stayed to be served as probation. A Provisional Order of Discipline was filed with this Board and served on Dr. Fremer at his last known address of record with the Board. Dr. Fremer was required to respond within thirty days. He did not respond. The Board has ordered that Dr. Fremer's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: November 8, 2001

8. HOFFMAN, Martin L., M.D., License #49158 (Pomona, NY)

FINAL ORDER OF DISCIPLINE filed November 9, 2001. Dr. Hoffman entered into a Consent Agreement and Order with the New York Board of Professional Medical Conduct wherein his New York license was suspended for two years, the suspension stayed to be served as a five-year period of probation. Dr. Hoffman agreed to a permanent limitation of his license in that he permanently withdrew from the practice of medical specialty in cardiology. He was permitted to practice only under the supervision of a practice monitor. He admitted he had practiced his profession negligently on more than one occasion. Based on the New York action, a Provisional Order of Discipline was served on Dr. Hoffman which required he respond within thirty days. He did not respond. The Board ordered that his license to practice medicine and surgery in New Jersey be suspended until such time as he has fully satisfied the terms of the New York Order. Prior to engaging in practice in New Jersey, he must appear before a Committee of the Board to demonstrate his fitness to practice. The Board reserves the right to impose additional limitations upon his practice in New Jersey. EFFECTIVE DATE: November 9, 2001

9. KORZENIOWSKI, Philip A., M.D., License #59875 (Egg Harbor Twp., NJ)

CONSENT ORDER GRANTING RESTRICTED LICENSURE filed November 14, 2001. Dr. Korzeniowski petitioned the Board for restoration of his license to practice medicine. Pursuant to a Consent Order of Voluntary Surrender filed May 9, 2001, Dr. Korzeniowski had voluntarily surrendered his license due to his relapse into substance abuse of controlled dangerous substances. The Board reviewed submissions from the Physicians'Health Program and Dr. Korzeniowski's discharge summary report from Talbott Recovery Campus and the sworn testimony of Dr. Korzeniowski and Dr. Baxter from the Physicians Health Program(PHP). The Board ordered that Dr. Korzeniowski's license to practice medicine

and surgery in the State of New Jersey be restored subject to restrictions. He may apply for reinstatement of his state and federal controlled dangerous substance registrations. He must refrain from any psychoactive substances unless prescribed by a treating physician for a documented medical condition and only after notification if first given to the PHP. He must participate in random urine monitoring supervised by the PHP and meet monthly with a PHP representative. He must attend AA meetings at least three times per week. He must continue in psychotherapy until such time as it is agreed treatment is no longer necessary. In no event should treatment be discontinued sooner than one year from resumption of practice. His therapist must report quarterly to the Board. He must begin regular attendance at family therapy sessions with quarterly reports to the Board. PHP to report quarterly to the Board regarding Dr. Korzeniowski's compliance and immediately report to the Board any relapse, positive urine screens or failure to comply with his aftercare program. His employer must report quarterly to the Board regarding compliance with this Order and immediately notify the Board if evidence of relapse or failure to comply with his aftercare program. May seek modification of the provisions no sooner than one year from the date on which he commences practice. EFFECTIVE DATE: November 14, 2001

10. LERNER, Marvin H., M.D., License #46693 (New York, NY)

ORDER filed November 14, 2001. A Verified Complaint and Application for Temporary Suspension of Licensure were filed with the Board of Medical Examiners. The matter had been referred to the Office of Administrative Law on September 30, 1999 and on September 6, 2001. Administrative Law Judge Edith Klinger issued an Initial Decision which contained findings of repeated gross negligence, gross incompetence, gross malpractice, failure to comply with Board regulations, fraud and misrepresentation. No exceptions were filed and the parties did not appear before the Board on October 10, 2001, when the matter was scheduled for final decision-making. The Board ordered the license of Marvin Lerner, M.D., to practice medicine and surgery in the State of New Jersey be revoked. Dr. Lerner was assessed a $70,000.00 penalty and $124,396.11 in investigative costs. EFFECTIVE DATE: November 14, 2001

11. ONDASH, Bernard, M.D., License #20148 (Daytona Beach, FL)

FINAL ORDER OF DISCIPLINE filed November 9, 2001. Dr. Ondash's license to practice medicine and surgery in the State of New Jersey is revoked. Action based on his relinquishment of his license to practice medicine in the State of Florida after allegations he failed to keep written medical records justifying treatment, inadequate patient histories and physical examinations, lack of documentation regarding review of patient's hospital records or communication with other treating physicians, which may have led to the patient's death, practicing medicine below the standard level of care recognized as acceptable, and that his conduct amounted to gross or repeated malpractice. EFFECTIVE DATE: November 9, 2001

12. RIENZO, Francis G., M.D., License #56451 (Sea Girt, NJ)

CONSENT ORDER GRANTING RESTRICTED LICENSURE filed September12, 2001. A Consent Order of Voluntary Surrender of Licensure was filed January 16, 2001 with the Board of Medical Examiners after Dr. Rienzo had been arrested and criminally charged with controlled substance violations. He successfully completed a Pretrial Intervention Program and completed a three- month course of treatment for his addiction. Since his discharge, he actively participated with the Physicians' Health Program (PHP). He petitioned the Board for restoration of his license and submitted proof of his compliance with the requirements of the PHP, and a report from his psychologist. The Board ordered that Dr. Rienzo's license be restored subject to restrictions. He may apply for reinstatement of his state and federal controlled dangerous substance registrations. He must refrain from taking any psychoactive substances unless these substances are prescribed by a treating physician for a documented medical condition with notification first given to the PHP. He must continue in aftercare with his psychologist and attend AA/NA meetings at least three times per week. He must participate in random urine monitoring supervised by the PHP and meet monthly with a PHP representative. The PHP to report quarterly to the Board regarding his compliance and report immediately if evidence of a relapse. He may practice only three

and a half days a week for the first six months after which he may return to a full time schedule. He must appear before a Committee of the Board no earlier than one year from the date of entry of this Order to discuss his participation with the PHP, his compliance with the restrictions, and the status of his recovery from substance abuse. He may seek modification of this Order at the time of that appearance. EFFECTIVE DATE: September12, 2001

13. SCHEINER, Solly Meyer, M.D., License #26056 (Forest Hills, NY)

FINAL ORDER OF DISCIPLINE filed November 9, 2001. Dr. Scheiner's license to practice medicine and surgery in the State of New Jersey is revoked. Action based on his entering into a Consent Order in April 19, 2000 with the New York Board of Medical Examiners wherein he admitted to charges of misconduct. Specifically, allegations involved the performance of surgical procedures which were either not indicated or not warranted based upon the conditions of the patients. As a result of the April 19, 2000 Consent Order, limitations were placed on Respondent's license, Respondent surrendered all clinical privileges, and Respondent was completely restricted from the practice of medicine. EFFECTIVE DATE: November 9, 2001

14. SCHNEIDER, Leonard, M.D., License #11660 (Neptune City, NJ)

CONSENT ORDER OF PERMANENT RETIREMENT OF LICENSE filed November14, 2001. The Board received information that Dr. Schneider now wished to permanently retire his license to practice medicine in the State of New Jersey. The Board has granted Dr. Schneider leave to voluntarily permanently retire his license to practice medicine and surgery in the State of NewJersey, effective December 31, 2001. He must immediately cease and desist from prescribing or dispensing any medications, including controlled substances, to any individual including himself, his family or his patients. He must immediately cease and desist from accepting any new patients. From October 24, 2001 until December 31, 2001, shall constitute a period of time during which he must wind down his medical practice, after which he must permanently cease and desist from any practice of medicine and surgery in the State of NewJersey. EFFECTIVE DATE: December 31, 2001

15. TAN, Yan Shin, M.D., License #47299 (Staten Island, NY)

FINAL ORDER OF DISCIPLINE filed November 9, 2001. Dr. Tan's license to practice medicine and surgery in the State of New Jersey is suspended for two years. Prior to any active practice in this State, Dr. Tan must appear before a Committee of the Board to demonstrate his fitness to resume practice. Action based on Dr. Tan's entering into a Consent Agreement with the New York Board wherein he did not contest a charge of professional misconduct based upon a 1995 determination by the NY Department of Social Services that he submitted claims for unfurnished services and a 1999 determination by the NY Department of Health that he had intentionally submitted Medicaid billings for services not rendered. He agreed to a reprimand and censure. In addition he was also excluded by the New York State Department of Health from participation in the Medicaid program for two years for having intentionally submitted Medicaid billings for services which had not been rendered. EFFECTIVE DATE: November 9, 2001

16. TZENG, Robert F., M.D., License #39660 (Rosemead, CA)

FINAL ORDER OF DISCIPLINEfiled November 9, 2001. Dr. Tzeng's license to practice medicine and surgery in the State of New Jersey is revoked. Action based upon his conviction in February 1998 in US District Court for the Central District of California, pursuant to a plea of guilty, of one felony count of income tax evasion. On or about December 3, 1998, he was incarcerated for six months. EFFECTIVE DATE: November 9, 2001

LICENSURE MATTER

1. GRENIER, Michele, Athletic Trainer, (Unlicensed) (Fair Lawn, NJ)

FINAL DECISION AND ORDER filed October 15, 2001. The Board received information that Ms. Grenier was practicing athletic training from August 1999 to June 2000 at Ridgefield Park High School without having first obtained a registration. She acknowledged she practiced without registration. Ms. Grenier qualified and completed an application to be registered as an athletic trainer. The Board ordered that she be granted a registration to practice athletic training in the State of New Jersey. It also ordered that she be reprimanded for the unregistered practice of athletic training from August 1999 to June 2000 and pay a $250.00 civil penalty. EFFECTIVE DATE: October 15, 2001

Additional matters which are not considered public reports were filed with the Board Office.

There being no further business of the Board concerning OPEN DISCIPLINARY MINUTES in open session, the Board voted to continue with the meeting concerning Matters Pending Litigation and Disciplinary Action in closed session.

Respectfully submitted,

David M. Wallace, M.D., Chairperson
for Open Disciplinary Matters