

**State Board of Medical Examiners
Minutes - May 10, 2006**

ROLL CALL

RATIFICATION OF MINUTES

The Board Minutes from the May 10, 2006 Board meetings are submitted for Board approval, amendment, or correction.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

10:00 A.M. QURESHI, Shams M.D. (License # MA 46706)

(PAPER ONLY)

(Counseling D.A.G.: Levine, Debra W.,)

CONROY, Robert J., Esq. For Respondent

HAFNER, Doreen D.A.G. for Complainant

This matter is set down on Mr. Conroy's attached June 1, 2006 letter to Executive Director William Roeder cross-petitioning the Board to vacate any order imposing interim restraints or conditions on Dr. Qureshi's continued practice of medicine. The Attorney General by way of D.A.G. Hafner's June 1, 2006 letter to Mr. Roeder seeks the temporary suspension of the license of Shams M. Qureshi M.D., to practice medicine and surgery in the State of New Jersey pending a plenary hearing.

Enclosed for the Board's review and consideration is an Order to Show Cause, Certification of Counsel, Verified Complaint and Letter Brief dated June 1, 2006.

OLD BUSINESS

1. HAKIMI, Farid D.P.M. (License # MD 02410)

(Counseling D.A.G.: Flanzman, Steven N.,)

HILL, Harry R., Jr., Esq. For Respondent

KRIER, Siobhan B., D.A.G. for Complainant

This matter was set down at the New Jersey State Board's April 19, 2006 meeting for consideration whether to adopt, reject, or modify the recommended Initial Decision of Administrative Law Judge ("ALJ") Edith Klinger in the matter of Dr. Farid Hakimi decided on February 24, 2006. ALJ Klinger ordered that the license of Farid M. Hakimi to practice Podiatry in the State of New Jersey be revoked and further ordered that the Respondent pay to the State of New Jersey \$20,000 in penalties and \$65,934.66 in costs.

The Board, voted to modify the recommendations made by ALJ Klinger as to penalty, and as part of its final decision, the Board determined that the amount of costs, including attorney's fees, to be assessed in this case be tabled. The Respondent would have until May 9, 2006 to submit, in writing, any objections to the cost application submitted by the Attorney General. The Attorney General would then be afforded until May 19, 2006 to respond, in writing, to any objections that may be raised by Respondent. Thereafter, the Board would consider the written submissions of the parties and enter a supplemental order fixing the amount of costs to be assessed. Furthermore, in the event that Respondent did not submit written objections to the costs application on or before May 19, 2006, the Board would adopt the recommendation made by ALJ Klinger in the amount of \$65,934.66 in costs at its June 14, 2006 meeting.

2. BERGER, Joseph D.O. (Lic.#MB17169)

O'BRIEN, Timothy P., Esq. For Respondent

WARHAFTIG, Jeri L., D.A.G. for Complainant

This matter is set down for the New Jersey State Board of Medical Examiner's consideration whether to adopt, reject, or modify the recommended Initial Decision-Settlement of Administrative Law Judge Israel D. Dubin in the matter of Dr. Joseph Berger decided on May 9, 2006. ALJ Dubin concluded that the Board's settlement is reasonable and fully disposes of all issues in controversy and meets the requirements of N.J.A.C. 1:1-19.1 and therefore should be approved.

3. PONZIO, Matthew R., M.D. (Lic.# MA23353)
(Counseling D.A.G.: DICK, Sandra Y.,)
KEOSKEY, Alex, Esq. For Respondent
JESPERSEN, Kevin D.A.G. for COMPLAINANT

Mr. Keoskey filed for determination, a motion on an emergent basis to be decided prior to June 1, 2006 seeking a revised Interim Consent Order. As indicated in the attached, Dr. Paul denied the emergent motion and a briefing schedule was directed. The Attorney General's response, and Respondent's response thereto, will be forwarded under separate cover.

4. MAGGIANO, Anthony M., M.D. (License # MA 49427)
(Counseling D.A.G.: LEVINE, Debra W.,)
CONROY, Robert J., Esq. For Respondent
KRIER, Siobhan B., D.A.G. for Complainant

Attached is D.A.G. Krier's May 31, 2006 letter informing the Board of Dr. Maggiano's passing and her receipt of Mr. Conroy's, for relief from the terms of the May 10, 2006 Consent Order, on behalf of Dr. Maggiano's estate.

All pertinent materials are attached for the Board's review and consideration.

NEW BUSINESS

1. SISTER-STATE MATTERS - PROPOSED FINALIZATION OF PROVISIONAL ORDER OF DISCIPLINE

BRAUNSTEIN, Lynn Carol M.D. (Lic.#MA79358)
BRISTOL, Lauren B., Esq. For Respondent
PEREZ, Mileidy D.A.G. for Complainant

Attached is D.A.G. Perez's May 26, 2006 memo to the Board concerning Provisional Order of Discipline (POD) dated April 25, 2006 with respect to Dr. Braunstein . Respondent, through her counsel, does not contest the findings of fact and conclusions of law set forth in the (POD) issued by the Board. Accordingly, the Attorney General seeks the entry of a Final Order of Discipline ("FOD"). All underlying documents have been submitted for the Board's review and consideration.

2. SISTER-STATE MATTERS - PROPOSED FINALIZATION OF SIGNED CONSENT ORDER

MOSURE, James M.D. (Lic.# MA71389)
SCANLON, Frank J., Esq. For Respondent
PALAN, Tobey D.A.G. for Complainant

Attached is D.A.G. Palan's May 26, 2006 memo to the Board requesting approval of the entry of the attached Consent Order signed by Dr. Mosure in resolution of the matter for the above physician. All pertinent materials are enclosed for the Board's review and consideration.

****SUPPLEMENTAL****

**OPEN BOARD DISCIPLINARY AGENDA
(PAPER ONLY)**

1. CHABRIER-DANCE, Michelle

(Application for License To Practice Perfusion)

This matter is listed for discussion and consideration by the Board on the Closed Disciplinary Agenda. Please refer to D.A.G. Flanzman's June 1, 2006 memo to the Board detailing this matter.

****SUPPLEMENTAL****

OPEN BOARD DISCIPLINARY AGENDA

**PONZIO, Matthew R., M.D. (Lic.# MA23353)
(Counseling D.A.G.: DICK, Sandra Y.,)
KEOSKEY, Alex, Esq. For Respondent
JESPERSEN, Kevin D.A.G. for COMPLAINANT**

Attached is the Attorney General's response, and Respondent's response thereto in the above mentioned matter.

****SUPPLEMENTAL****

OPEN BOARD DISCIPLINARY AGENDA

**2. BERGER, Joseph D.O. (Lic.#MB17169)
O'BRIEN, Timothy P., Esq. For Respondent
WARHAFTIG, Jeri L., D.A.G. for Complainant**

This matter is set down for the New Jersey State Board of Medical Examiner's consideration whether to adopt, reject, or modify the recommended Initial Decision-Settlement of Administrative Law Judge Israel D. Dubin in the matter of Dr. Joseph Berger decided on May 9, 2006. ALJ Dubin concluded that the Board's settlement is reasonable and fully disposes of all issues in controversy and meets the requirements of N.J.A.C. 1:1-19.1 and therefore should be approved. It is noted by D.A.G. Warhaftig's attached June 7, 2006 confirming that the parties do not intend to submit exceptions to the Initial Decision.

****SUPPLEMENTAL****

**OPEN BOARD DISCIPLINARY AGENDA
(PAPER ONLY)**

**1. CHABRIER-DANCE, Michelle
GORRELL, Joseph, Esq. For Respondent
FLANZMAN, Steven S.D.A.G. for Complainant**

(Application for License To Practice Perfusion)

Attached is Mr. Gorrell's June 6, 2006 letter to Executive Director Roeder in response to D.A.G. Flanzman's May 31, 2006 letter, requesting the Board's further consideration to reject the misinterpretation of the Board's Regulation by the Perfusionists Advisory Committee and to vote to grant Ms. Chabrier-Dance a license.

****SUPPLEMENTAL****

**OPEN BOARD DISCIPLINARY AGENDA
(PAPER ONLY)**

**HAKIMI, Farid D.P.M. (License # MD 02410)
(Counseling D.A.G.: Flanzman, Steven N.,)
HILL, Harry R., Jr., Esq. For Respondent
KRIER, Siobhan B., D.A.G. for Complainant**

Additional documents for consideration of the Dr. Hakimi matter regarding costs are attached.

**OPEN BOARD DISCIPLINARY AGENDA
(PAPER ONLY)**

HAND-OUT

**PONZIO, Matthew R., M.D. (Lic.# MA23353)
(Counseling D.A.G.: DICK, Sandra Y.,)
KEOSKEY, Alex, Esq. For Respondent
JESPERSEN, Kevin D.A.G. for COMPLAINANT**

Attached is Mr. Keosky's June 2, 2006 letter received via fax by the Board Administrative office, responding to DAG Jespersen's 110 page submission in opposition to Dr. Ponzio's Motion for a Fourth interim Consent Order allowing Dr. Ponzio to practice internal medicine at Clara Maas Medical Center in Belleville, New Jersey. Oral argument on Respondent's Motion has been granted in this matter by Board President, Dr. Paul and is scheduled for 1:00 p.m. at the Board's May 14, 2006 meeting.

**OPEN BOARD DISCIPLINARY AGENDA
(PAPER ONLY)**

**QURESHI, Shams M.D. (License # MA 46706)
(Counseling D.A.G.: Levine, Debra W.,)
CONROY, Robert J., Esq. For Respondent
HAFNER, Doreen D.A.G. for Complainant**

Attached is D.A.G. Hafner's June 2, 2006 response letter to Mr. Conroy's June 1, 2006 letter in the matter of Dr. Qureshi.

**QURESHI, Shams M.D.
(License # MA 46706)**

TO: BOARD MEMBERS

FROM: Rosemary Sciabbarrasi

Please note that in the above mentioned matter you have received the 1st Verified Complaint on the Special Cdrom along with DAG Hafner's June 2, 2006 letter response to Mr. Conroy; 2nd Verified Complaint submitted on paper only; which are to be read and considered in conjunction with each other by the Board regarding the matter of Dr. Qureshi.

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