



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
EVANGELOS MEGARIOTIS :
LICENSE 25MA03628500 :
:
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

INTERIM ORDER IMPOSING
LIMITATIONS ON PRACTICE

This matter was initially opened before the New Jersey State Board of Medical Examiners ("Board") on January 22, 2018, upon the Attorney General's filing of a nine count Verified Complaint against Evangelos Megariotis, M.D. ("Respondent") and the simultaneous filing of an Order to Show Cause requiring Dr. Megariotis to appear before the Board on February 14, 2018, and show cause why an order temporarily suspending, or otherwise conditioning or limiting his license, should not be entered by the Board. The action is predicated upon Respondent's treatment of nine specific patients, each of whom Respondent treated for multiple conditions, including chronic pain syndrome(s) and orthopedic disorders, for periods spanning multiple years. In each case, it is alleged, *inter alia*, that Dr. Megariotis indiscriminately prescribed excessive quantities of opioids, and other Controlled Dangerous Substances (CDS) without taking necessary and appropriate measures to monitor his patients for

addiction or diversion. It is further alleged that, with regard to some patients, Dr. Megariotis deviated from orthopedic standards of care by recommending and/or performing surgery without sufficient medical basis.

The Attorney General alleges that, with regard to each patient named in the Verified Complaint, Respondent engaged in gross negligence that endangered the life, health, welfare or safety of his patients in violation of N.J.S.A. 45:1-21(c); repeated acts of negligence in violation of N.J.S.A. 45:1-21(d); professional or occupational misconduct in violation of N.J.S.A. 45:1-21(e); failure to comply with the provisions of an act or regulation administered by the Board in violation of N.J.S.A. 45:1-21(h); specifically failure to perform an appropriate history, physical examination and formulate a treatment plan prior to issuing a prescription in violation of N.J.A.C. 13:35-7.1A; failure to comply with certain limitations on prescribing controlled substances and failure to reevaluate treatment plans in violations of N.J.A.C. 13:35-7.6; the issuing of prescriptions for CDS indiscriminately or without good cause in violation of N.J.S.A. 45:1-21(m); and the failure to be of good moral character as required for licensing as a physician pursuant to N.J.S.A. 45:9-6.

On February 14, 2018, the Board was set to conduct a hearing on the Attorney General's application for the temporary

suspension of Respondent's license. Before commencing that hearing, the Board and Respondent came to an agreement that the Board has concluded is adequately protective of the public health, safety and welfare, during the pendency of this matter (that is, until the conclusion of hearings before the Office of Administrative Law ("OAL") on all allegations in the Verified Complaint, and full disposition of this matter upon the Board's adoption, rejection or modification of any recommended Initial Decision from the OAL).

On February 14, 2018, Dr. Megariotis was placed under oath, and the specific terms and conditions of this Order (as reflected below) were read into the record. Dr. Megariotis acknowledged that he understood the terms, and expressly consented to the Board's entry of this Order formally imposing the terms and conditions set forth below. Deputy Attorney General Michael Antenucci, appearing for complainant Attorney General, objected to the proposed interim action. We noted the Attorney General's objection. We nonetheless enter this Order over that objection because we are satisfied that the public health, safety, and welfare will be adequately protected during the pendency of this matter.

Respondent having consented to the terms of this Order, and having agreed to be bound by them pending final disposition of this matter, and the Board having found that the entry of this

Order is adequately protective of the public health, safety, and welfare, and that good cause exists for the entry of this Order

IT IS on this 22nd day of February 2018, ORDERED:

1. Respondent, Evangelos Megariotis, M.D., is prohibited from prescribing, dispensing and/or administering any and all Controlled Dangerous Substances pending further Order of this Board. Dr. Megariotis is also prohibited from prescribing, dispensing and/or administering Prozac pending further Order of this Board.

2. Dr. Megariotis shall cease and desist from practicing medicine until a practice monitor has been approved by the Medical Director of the Board. Dr. Megariotis shall be directly supervised in all professional settings by a practice monitor who specializes in orthopedics subject to the following terms and conditions:

a. The practice monitor shall be physically present during all of Dr. Megariotis's patient interactions and surgical procedures.

b. The practice monitor shall regularly meet with Dr. Megariotis to discuss his progress and oversee his work schedule and patient interactions. The practice monitor shall review such patient records or other documents necessary for appropriate supervision.

c. The practice monitor shall report to the Board in writing on a monthly basis all information in his/her possession concerning Dr. Megariotis's compliance with the terms of this Order, and concerning Dr. Megariotis's professional skill level and ability to effectively and safely provide medical care to patients, with the first report to be provided no more than 30 days following the commencement of monitoring.

d. The practice monitor shall immediately (i.e., within 24 hours of occurrence) report to the Board orally and in writing any actions by Dr. Megariotis in violation of this Order, any acts of negligence, and acts which place a patient at risk of harm, and any failure to cooperate with supervision.

e. The practice monitor shall sign a copy of this Order to confirm that he/she has seen this Consent Order and agrees to supervise Dr. Megariotis and report to the Board as indicated herein.

3. Dr. Megariotis shall be entirely responsible for any and all costs or expenses associated with the use of the practice monitor as required by the terms of this Order. Dr. Megariotis shall not charge or otherwise pass along any costs incurred to retain a monitor to any patient, third-party payor or government benefits program.

4. Dr. Megariotis consents to and authorizes his practice monitor and the Board to provide information to each other concerning his compliance with this Order and his ability to practice medicine safely.

5. Dr. Megariotis hereby waives any claim of privilege or confidentiality he may have with regard to any information that the practice monitor may provide under the provisions of this Order to the Board or the Attorney General, and agrees that such information may be utilized in any proceeding regarding his license.

6. Respondent shall, within six months of the date of entry of this Order, submit to a comprehensive assessment of his medical practice skills, which assessment shall include evaluation of his ability to safely and competently engage in the general practice of medicine, with a specific focus upon his knowledge of orthopedic medicine, and upon his ability to safely engage in prescribing of Controlled Dangerous Substances. The assessment ordered herein shall be conducted by an assessment entity pre-approved by the Medical Director of the Board (or her designee). Prior to scheduling of the assessment, the assessment entity shall be provided with a copy of this Order. The Medical Director of the Board (or her designee) shall be authorized to communicate directly with representatives of the approved

assessment entity, to address any questions or issues concerning the scope of the assessment to be conducted.

7. Upon completion of the assessment and the Board's receipt of a report outlining findings and/or recommendations that may be made by the assessment entity, either party may petition the Board for modification of the terms of this Order, and/or for the imposition of additional conditions and/or limitations upon respondent's practice, based on the results of the assessment.

8. Subsequent to the date of this Order, Dr. Megariotis shall be limited to treating any and all new patients (i.e. any patients who were not treated in his practice prior to the date of this Order) in the area of orthopedics only. Respondent is specifically prohibited from providing treatment in the areas of psychiatric medicine and pain management to any and all new patients. This provision shall not be interpreted to preclude Respondent from providing any care to previously existing patients, subject to the express limitations of this Order to Respondent's prescribing CDS and Prozac.

9. In the event Respondent hereafter engages in any conduct deemed a violation of this Order, including, but not limited to prescribing, administering and/or dispensing any controlled Dangerous Substances or seeing patients and performing surgery without the practice monitor present, in

violation of the prohibition set forth in this Order, his license to practice medicine and surgery shall be immediately temporarily suspended. Respondent may challenge the temporary suspension, but only as to whether the Board received incorrect information regarding the violation in question.

10. This matter will be referred to the Office of Administrative Law for plenary proceedings, however the Board explicitly reserves jurisdiction to consider any application(s) that may be made, by either party, for modification of the terms of this Order.

11. All terms of this Order shall remain in effect until further Order of the Board.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:



Paul Carniol, M.D.
Board President

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
OR CESSATION OF PRACTICE HAS BEEN ORDERED OR AGREED UPON**

APPROVED BY THE BOARD ON AUGUST 12, 2015

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply when a licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension, surrender or cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order

is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. In situations where the licensee has been subject to the order for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is (suspended), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee subject to the order shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice.¹ The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board order.

¹This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended or who is ordered to cease practice for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following the entry of the order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that (during the three (3) month period) immediately following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. If the licensee has a website, a notice shall be posted on the website as well.

At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

6. Payment of Civil and Criminal Penalties and Costs.

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website.

See <http://www.njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdguidebook.pdf>.

Pursuant to N.J.S.A.45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.