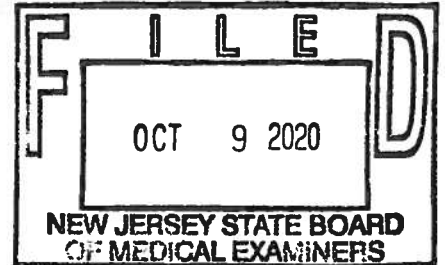
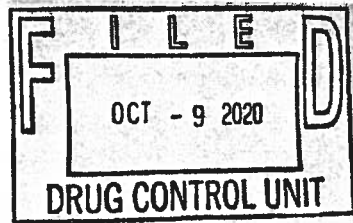


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS &
DRUG CONTROL UNIT

IN THE MATTER OF THE LICENSE TO : Administrative Action
PRACTICE MEDICINE AND SURGERY AND :
NJ CDS REGISTRATION OF : **CONSENT ORDER OF PERMANENT**
: **RETIREMENT AND REVOCATION**
: **OF CDS REGISTRATION**
CHANG KANG, M.D. :
License No. 25MA04053700 :
NJ CDS REG. NO. D04017000 :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") and Paul R. Rodriguez, Acting Director of the New Jersey Division of Consumer Affairs ("Director") upon receipt of a complaint alleging that Chang Kang, M.D. ("Respondent"), License No. 25MA04053700, New Jersey Controlled Dangerous Substances Registration No. D04017000, engaged in the indiscriminate prescribing of Controlled Dangerous Substances ("CDS") providing the basis for Board action under N.J.S.A. 45:1-21(m) and was allegedly engaged in the prescribing of CDS in the usual course of his professional practice without legitimate

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medical purpose in violation of N.J.A.C. 13:45H-7.4 which provides a basis under N.J.S.A. 24:21-12(a)(3) for the Director to suspend or revoke Respondent's CDS registration.

On September 4, 2019, Respondent appeared before a Committee of the Board. The Committee reviewed pharmacy records for ten patients, all of whom were prescribed oxycodone and alprazolam for pain management over an extended period of time, which the Board alleges were in excessive quantities. He told the Committee that he maintained his patients on the CDS regimen they had when they came to him, and he had little success in weaning them from doses that prior treating doctors had prescribed.

Respondent now seeks leave to permanently retire from the practice of medicine in New Jersey with an agreement not to reapply in order to fully resolve all outstanding inquiries without making any admissions, and agrees to the entry of this Order without the need for a formal proceeding, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and, having had the opportunity to consult an attorney, consents to be bound by same, and the Board and the Director finding that the within disposition is adequately protective of public health, safety and welfare, and for good cause shown,

IT IS, THEREFORE on this 9th day of October ,2020;

ORDERED AND AGREED THAT:

1. Respondent is hereby granted leave to and shall surrender his license to practice medicine and surgery in the State of New Jersey with such surrender to be deemed a permanent retirement. Said surrender of license shall be effective thirty days following the filing of this Order to allow Respondent to wind down his medical practice. Respondent's New Jersey CDS Registration No. DO4017000 is immediately and permanently retired to be deemed a revocation, effective upon the filing of this Consent Order.

2. Pursuant to the authority of the Director under N.J.S.A. 24:21-9 et seq., this permanent retirement is to be deemed a revocation. This CDS Registration revocation is independent of any action taken by the Board, the United States Drug Enforcement Administration ("DEA"), or any other law enforcement or licensing authority. A copy of this Consent Order, signed by the Acting Director, will be filed with the Division's Drug Control Unit.

3. Respondent shall immediately return his original New Jersey CDS registration to Dana Pulizzano, Acting Executive Director, Drug Control Unit, P.O. Box 45045, 124 Halsey Street, Newark, New Jersey 07101 either in person or by certified mail and shall immediately cease and desist from prescribing or dispensing any CDS medications.

4. Within thirty days of the filing of this Order, Respondent shall return all of his remaining prescription blanks, along with a signed attestation, indicating that he will no longer be writing prescriptions and asking that his prescription blanks be destroyed pursuant to standard operating procedure, to Dana Pulizzano, Acting Executive Director, Drug Control Unit, P.O. Box 45045, Newark, New Jersey 07101, either in person or by certified mail.

5. Respondent shall immediately provide written notification to the DEA of this Order.

6. Respondent shall provide proof to the Board of the return of his CDS registration to the Drug Control Unit and of the notice that was given to the DEA by letter to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.

7. During the wind down period, Respondent shall accept no new patients and shall make every effort to ensure the orderly transfer of his current patients to other treatment providers. Respondent may issue prescriptions or renewals for non-CDS medication to existing patients only as needed to provide treatment continuity between himself and the patient's new treatment provider.

8. Within thirty days of the filing of this Order, Respondent shall cease and desist from patient contact that

constitutes the provision of medical services at any location and the rendering of medical care, including the issuance of any prescriptions for, or dispensation of, medications of any kind.

9. Thirty days following the filing of this Order, Respondent shall not charge, receive or share in any fees for professional services rendered by others. Respondent shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to the effective date of his retirement.

10. Within thirty days of the filing of this Order, Respondent shall immediately return, either in person or by certified mail, his original New Jersey medical license and his current biennial registration to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.

11. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure with regard to both his practice at 1101 Palisade Avenue, Fort Lee, New Jersey and his anesthesia practice at Hudson Pain Management and Rehab Medical PC, 464 Hudson Terrace, Englewood Cliffs, New Jersey. Within thirty days of the filing of this Order, Respondent is to notify William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 086215-

0183 as to where his patient records are secured, and how patients may obtain them.

12. Respondent agrees not to reapply for a New Jersey medical license or to seek a CDS registration in New Jersey in the future.

13. Thirty days following the filing of this Order, Respondent shall be precluded from managing, overseeing, supervising, or influencing the practice of medicine or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey.

14. Within thirty days of the filing of this Order, Respondent shall not enter the premises of Hudson Pain Management and Rehab Medical PC during business hours when patients may be present.

15. Within thirty days of the filing of this Order, Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of medicine, including but not limited to the provision of healthcare activities taking place at 1101 Palisade Avenue, Fort Lee, New Jersey and at Hudson Pain Management and Rehab Medical PC, Hudson Terrace, Englewood Cliffs, New Jersey.

16. Respondent shall comply with the attached "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."

17. This Consent Order shall be a full and final disposition of the present investigation of Respondent. The Board shall retain jurisdiction to enforce the terms of this Order.

18. The parties hereby stipulate that entry of this Order is without prejudice to further action or investigation by this board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement resulting from any conduct by Respondent not addressed by the terms of this Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



By: **METZGER, Scott E., M.D.**

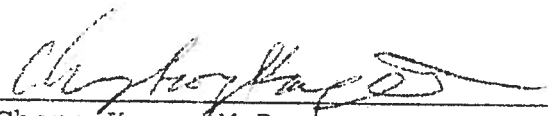
Scott E. Metzger, M.D.
Board President

NEW JERSEY DIVISION OF CONSUMER AFFAIRS



By: Paul R. Rodriguez
Acting Director

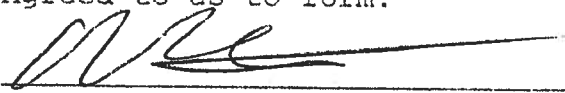
I have read the within Order,
understand its terms and agree
to be bound by them. I understand
that this Consent Order has serious
legal consequences and have decided
to enter into this agreement with
the Board. Consent
is hereby given to the Board to enter this Order.



Chang Kang, M.D.

Dated:

Agreed to as to form.



Alan R. Blankstein, Esq.

Dated: 9/9/2020

**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/npdbguidebook.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.