

**OPEN MINUTES - NJ STATE BOARD OF MEDICAL EXAMINERS  
DISCIPLINARY MATTERS PENDING CONCLUSION - November 18, 2020**

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A Public Session meeting of Disciplinary Matters Pending Conclusion of the New Jersey State Board of Medical Examiners was held on November 18, 2020, virtually.

The public was able to participate in the meeting, from a computer, tablet or smartphone through <https://global.gotomeeting.com/join/384855333> Or by dialing in on the phone United States: [+1 \(312\) 757-3121](tel:+13127573121)  
Access Code: 384-855-333

**I. ROLL CALL**

**PRESENT**

Board Members Akhtar, Aqel, Batool, Bridges, Carniol, Chervenak, D'Angelo, Gater, Gellman, Greatrex, Kirn, Kubiel, McGrath, Metzger, Racanelli, Rieber, Sabando, Soloway, Verdi, and Zinterhofer.

**ALSO PRESENT**

Assistant Attorney General Hollander; Senior Deputy Attorney General Flanzman and Gelber; Deputy Attorneys General Cordoma, Hafner, and Puteska; Dr. Harry Lessig, Medical Consultant to the Board; and William V. Roeder, Executive Director of the Medical Board

**II. RATIFICATION OF MINUTES**

**UPON MOTION MADE BY DR. GELLMAN AND  
SECONDED BY DR. AQEL, THE MINUTES OF THE  
OCTOBER 14, 2020 OPEN DISCIPLINARY MATTERS  
PENDING CONCLUSION WERE APPROVED.**

**III. HEARINGS, PLEAS AND APPEARANCE**

**10:00AM PATHAK, Vineeta Jha, M.D., pro se  
License#25MD08142800, Complaint-#2018-  
01339**

**Kathy Stroh Mendoza, DAG for Prosecution  
Meaghan Goulding, DAG, Counseling**

This matter was originally before the Board upon the filing of a Verified Complaint and Order to Show Cause, with supporting documents and exhibits, seeking the immediate suspension of the license of Dr. Pathak, which the Board granted. The Board reserved its decision on the assessment of costs and directed the Attorney General to provide it with a certification of costs limited to the prosecution of the Verified Complaint. To date, no response/challenge to the cost application has been received from Dr. Pathak.

Dr. Pathak also submitted a Motion for Reconsideration and Reinstatement of her medical license, which the

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Attorney General opposed. Oral argument on both Motions was scheduled.

The parties placed their appearances on the record and Dr. Pathak was sworn in. At the onset, Dr. Pathak acknowledged that she did not file any objections to the cost application.

Prior to beginning oral argument, the Board moved into closed session for advice of counsel. Returning to the open session, the Board continued with the hearing.

DAG Mendoza argued that there was no reason to modify or vacate the Board's prior Order. She reminded the Board that Dr. Pathak maintained an office in Toms River and at the time of closing her practice, she moved all her medical records into her bedroom in her home. She did not comply with the Board's regulation in providing for the appropriate notice to her patients or appropriate transfer the medical records to subsequent treating physicians. She failed to make them available to her patients. When she came before a PEC, the members learned of any number of deficiencies in her medical knowledge and appropriately demanded an assessment within sixty days. Dr. Pathak, she continued, failed to comply with the demand and the Attorney General filed an Order to Show Cause, a Verified Complaint and the Hearing was properly noticed. Dr. Pathak failed to file

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any responsive papers and the Attorney General obtained a default judgment. Ignoring the Board's demand for an assessment, Board could not determine whether she was safe to practice and suspended her license to practice. It was Dr. Pathak who elected not to be evaluated and the Order suspending her license gave her leave to seek reinstatement when she completed the skills assessment. Due to her continued recalcitrance in seeking that assessment, there is no basis for the Board to alter its prior Order inasmuch as she has not complied with its terms. She urged the Board to deny the Motion for Reinstatement. No evidence has been presented to the Board that demonstrates that the Board's requirement for an assessment was irrelevant, unreasonable or inappropriate. DAG Mendoza noted that in Dr. Pathak's own Motion she blatantly admits she has not undergone, nor will she submit, to any assessment. Therefore, she concluded that her motion should fail because the Board is empowered to seek such assessment and her failure to cooperate with the Board in timely submitting to an assessment mandates her suspension until such time as she complies. According to the deputy, it is yet another example of a continuing pattern of non cooperation and non compliance with the Board or its regulations.

Dr. Pathak acknowledged that she does not object to the cost application, however, she seemed to indicate that it

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is conditioned on the Board's agreement to reinstate her license. She doesn't have the ability to pay if she is not working.

In rebuttal to the Attorney General's case in chief, Dr. Pathak informed the Board that she does provide the records to the patients when they request them. While she admitted there were some difficulties in the past with providing her patients the records, she assured the Board that she currently provides them. She also seemed to indicate that she would take the skills assessment if she gets her license back because she needs to practice in order to have an income to pay for the costs of the assessment. Without a license, she has no income and that is why she hasn't undergone the assessment.

DAG Mendoza objected to this reasoning because the assessment was needed to determine whether or not she is safe to practice. Without an assessment, DAG Mendoza maintained that the testimony obtained during the investigation indicated deficits in her medical knowledge and judgment.

A member of the public spoke in favor of Dr. Pathak.

The Board, along with administrative and counseling staff, moved into closed session for deliberations and

advice of counsel. Returning to the open session, the Board announced its decision.

**FOLLOWING CONSIDERATION OF SUBMISSIONS BY THE PARTIES AND ORAL ARGUMENT PRESENTED. THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE PETITION TO REINSTATE DR. PATHAK'S LICENSE. THE BOARD FINDS THAT DR. PATHAK HAS FAILED TO PROVIDE ANY REASON WHY THE BOARD SHOULD MODIFY, VACATE OR AMEND ITS ORDER TO CONTINUE THE SUSPENSION OF HER LICENSE UNTIL SUCH TIME AS SHE HAS UNDERGONE A SKILLS ASSESSMENT. IN LIGHT OF THE CLAIM MADE AT THE HEARING THAT SHE IS NOT ABLE TO FINANCIALLY AFFORD SUCH ASSESSMENT, THE BOARD WILL AGREE TO PAY FOR IT.**

**THE BOARD, ALSO UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE COST APPLICATION FINDING THE COSTS REASONABLE AND GIVEN THE SUFFICIENT DETAIL PROVIDED IN THE CERTIFICATION, HAVING RECEIVED NO OBJECTION FROM DR. PATHAK, PAYMENT IS DUE WITHIN THIRTY DAYS UNLESS A PAYMENT PLAN IS REQUESTED BY DR. PATHAK.**

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11:30 AM **SAUER, Eric R.Ph. (Unlicensed)**  
**Angelo Cifaldi, R.Ph., Esq., Wilentz law firm**  
**Dan Hewitt, DAG for Prosecution**

This matter was before the Board upon the filing of a Motion to Proceed by way of Summary Action based upon the facts alleged in the Verified Complaint and supporting documents filed on or about July 30, 2020, in which it is alleged the Mr. Sauer has engaged in, or held himself out as engaging in, the unlicensed practice of medicine. Respondent filed an Answer, Affirmative Defenses and Brief in Opposition to Proceed Summarily.

Prior to the meeting, the matter was adjourned.

IV. **NEW BUSINESS**

Nothing scheduled.

V. **OLD BUSINESS**

Nothing scheduled.

Respectfully submitted,

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Scott E. Metzger, M.D.  
President

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