

**Open Minutes
New Jersey State
Board of Medical Examiners
Disciplinary Matters Pending Conclusion**

February 13, 2002

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, February 13, 2002 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor, Conference Center, Trenton, New Jersey for Disciplinary Matters Pending Conclusion, 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 Criss, Farrell, Haddad, Harrer, Huston, Lucas, Moussa, Patel, Perry, Ricketti, Robins, Trayner, Wallace, Walsh and Weiss.

EXCUSED

Board Members Chen, Desmond, Paul, Reid and Rokosz.

ALSO PRESENT

Deputy Attorneys General Dick, Flanzman, Gelber, Joyce, Kenny, Levine, Oo and Warhaftig; Executive Director Roeder and Medical Director Gluck, New Jersey State Board of Medical Examiners.

RATIFICATION OF MINUTES

The Minutes from the January 9, 2002 Board meeting were approved with a clerical change.

HEARINGS, PLEAS, RETURN DATES, APPEARANCES

**WIJAYA, Don Henry, M.D. (Counseling Deputy: LEVINE)
KERN, Steven I., and WEIR, Bonnie M., Attorneys for Respondent
CONROY, Robert, and PIETRO, JoAnn, Esq., (Appeared today on behalf of Mr.
Kern and Ms. Weir) BERGER, Susan, D.A.G., for Complainant**

(Proceedings Recorded by Miriam Rios, C.S.R., GUY J. RENZI ASSOCIATES)

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

This matter was set down for hearing in the matter of Don Henry Wijaya, M.D. Enclosed for Board review was the December 18, 2001 Initial Decision of Administrative Law Judge Joseph F. Fidler. This matter was initiated based upon a two-Count Complaint filed March 6, 1997 alleging gross or repeated acts of malpractice; professional misconduct; conduct which evidences an incapacity of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare; and/or demonstrates a failure to fulfill the ongoing statutory requirement of good moral character. Enclosed were the Complaint filed March 6, 1997; Respondent's Answer to the Complaint filed April 2, 1997; and the First Amended Complaint filed April 15, 1998.

Enclosed was D.A.G. Berger's January 22, 2002 letter to the Board filed January 24, 2002 recommending that the ALJ decision be adopted in its entirety. D.A.G. Berger's letter includes copies of Executive Director Roeder's Affidavit of costs for transcripts; Certification of Costs for investigation from Mary Davison, R.N., Supervising Investigator; a Certification of Donna White regarding the fact witness costs (Laurie Schray); and D.A.G. Berger's January 24, 2002 letter to the Board providing documentation regarding expert fees paid by the Board for

Marshall Swartzburg, M.D., in the amount of \$19,250.

Also enclosed was Respondent's Written Exceptions to the Initial Decision which includes Exhibits A and B filed with the Board on January 24, 2002. Mr. Kern submitted with Respondent's Exceptions a January 24, 2002 letter (a copy of which the Board received) addressed to Executive Director Roeder requesting that the time for oral argument be increased from 20 minutes to 40 minutes since there are numerous issues to be addressed and his client is entitled to adequate time to present his position with respect to each issue.

In addition, enclosed were D.A.G. Berger's January 25, 2002 Motion with attachments to exclude photograph 12 in Respondent's Exceptions to the Initial Decision and Mr. Kern's January 29, 2002 response to the Motion. Photograph number 12 was removed from the Board packets.

On January 30, 2002, Board President Harrer considered Respondent's motion to allow 40 minutes rather than 20 minutes oral argument on Exceptions and decided to grant both parties 30 minutes for oral argument pending Board ratification, rejection or amendment. Board President Harrer also considered the State's motion to exclude photograph number 12 from Board review and retrieval of any copy of the photograph that may have been received by any Board Member. Dr. Harrer decided to exclude photograph number 12 from review since it was not presented at the hearing before the OAL and therefore shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions. Dr. Harrer further ordered the parties not to describe, show or proffer to the Board photograph number 12 or the content of photograph number 12, and no reference to photograph number 12 is to be made by either party during oral arguments on Exceptions. The photographic copies of photograph number 12 is retained by William V. Roeder, Executive Director and custodian of the records, in a sealed envelope. Mr. Roeder had them present in the hearing room on the day of the hearing. Should the Board reject or amend Dr. Harrer's determination, photograph number 12 can be distributed to the Board Members for review prior to the commencement of the hearing on Exceptions. Enclosed was Executive Director Roeder's January 31, 2002 letter to the parties outlining Board President Harrer's decision on these two pre-hearing motions. Prior to the Board hearing oral arguments on the Exceptions to A.L.J. Fidler's Initial Decision, the Board is asked to consider the motions on the papers and ratify, reject or amend Board President Harrer's decisions.

In addition, enclosed for Board consideration was the Attorney General's February 4, 2002 Reply to Respondent's Written Exceptions to the Initial Decision.

The Board voted to go into executive session to discuss this matter with counsel to the Board. 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.

Counseling Deputy Levine announced that the Board was prepared today to consider the finalization of ALJ Fidler's Initial Decision in the matter of Don Henry Wijaya, M.D. However, yesterday was a State Holiday when State offices were closed and an adjournment was requested by Mr. Conroy and Board President Harrer preliminarily agreed to the adjournment as requested. This request for adjournment has now been presented to the Board for its amendment, ratification or rejection. The Board is prepared to grant Mr. Conroy's adjournment for this matter to be heard at the next regularly scheduled meeting in March based on the following conditions. D.A.G. Levine noted that after the conditions are read, the Board may have questions.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT RESPONDENT'S ADJOURNMENT REQUEST BASED ON THE FACT THAT THESE CONDITIONS WILL BE EFFECTIVE UNTIL THE BOARD'S FINALIZATION OF THE ALJ'S DECISION ON MARCH 13, 2002 OR WHEN THE REGULARLY SCHEDULED FULL BOARD MEETING NEXT OCCURS.

THE ORDER WILL CONTAIN THE FOLLOWING CONDITIONS WHICH RESPONDENT VOLUNTARILY AGREES TO:

1. RESPONDENT WILL REFRAIN FROM SEEING ANY ROUTINE NON-EMERGENT PATIENTS;

2. RESPONDENT MAY ONLY SEE EXISTING PATIENTS WITH EMERGENT PROBLEMS IN THE HOSPITAL SETTING;

3. RESPONDENT MAY RENEW PRESCRIPTIONS ONLY FOR HIS EXISTING PATIENTS WHO ARE MAINTAINED ON LONG-TERM MEDICATIONS, PROVIDED AN OFFICE VISIT IS NOT NECESSARY;

4. THE BOARD AGREES THAT THE ENTRY OF THIS ORDER AND THE FACT OF THE VOLUNTARY RESTRICTIONS IN THIS ORDER WILL NOT BE USED AGAINST RESPONDENT IN ANY APPLICATION FOR A STAY OF ANY ADVERSE FINAL DISPOSITION WHICH MAY ULTIMATELY BE TAKEN BY THE BOARD;

5. THE BOARD WILL NOT GRANT ANY FURTHER ADJOURNMENTS IN THIS MATTER.

There were no questions posed from the Board. A Board Order embodying the above terms will follow.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT A ONE-MONTH ADJOURNMENT BASED ON THE ABOVE LISTED TERMS.

KOTTURI, Shiva, M.D., Lic. #59794 (Counseling DAG: FLANZMAN)
McCUTCHEON, Robert J., Esq., for Respondent
KENNY, Paul R., and OO, Swang, D.A.G.s for Complainant

(Proceedings Recorded by Miriam Rios, C.S.R., GUY J. RENZI ASSOCIATES)

This matter was set down for hearing in the matter of Shiva Kotturi, M.D. Enclosed for Board review was the November 26, 2001 Initial Decision of Administrative Law Judge Edith Klinger. This matter was initiated based upon a Complaint filed December 13, 1999 alleging gross malpractice/ negligence/ incompetence; repeated acts of same; failure to comply with the patient records rule; misrepresentation and professional misconduct; and alleged violation of the Corporate Practice Regulation. Enclosed were the Administrative Complaint filed December 13, 1999; Respondent's Answer to Administrative Complaint filed December 22, 1999; Amended Administrative Complaint filed August 10, 2001; Respondent's December 17, 2001 Exceptions; and D.A.G. Valera-Schutz' December 11, 2001 letter advising that she will not be filing any exceptions to the recommended decision of ALJ Klinger.

D.A.G. Flanzman briefly outlined the way the Board anticipated the matter to be heard. He explained that this was intended to be a bifurcated proceeding. The Board will first hear argument and consider the Exceptions filed by Mr. McCutcheon to the initial Findings of Fact and Conclusions of Law raised by ALJ Klinger. Following argument on Exceptions, the Board will determine whether to adopt, reject or modify the Findings of Fact. Mitigation proceedings will follow where Dr. Kotturi can present documents and testimony as to mitigation of the recommended penalties in Judge Klinger's suggestions. There were five Exceptions filed by the doctor to the ALJ's decision. In speaking to the parties, the fourth and fifth filed were Exceptions that went to the issue of penalty and that would be considered during the mitigation phase rather than the argument on the filed Exception. Therefore, the Board will entertain argument on the three Exceptions filed, the issue of whether Judge's decision regarding length of time Dr. Kotturi was employed at Health Ways should be modified and the findings of fact regarding allergy test and blood testing done by Dr. Kotturi.

Mr. McCutcheon argued that the first Exception made on behalf of his client was that trial Judge Klinger indicated that Dr. Kotturi was employed by a non-physician for a period of about three years. Mr. McCutcheon argued it was clear the evidence presented would indicate that at best, he was employed from April 1, 1996 through October 1997. He stated that much of ALJ Klinger's findings were based upon her conclusion that based upon Dr. Kotturi's testimony in regards to this issue, that he was not a credible witness, and therefore, his credibility was called into question with the other issues they took exceptions with. He attached to the Exceptions the documents the Judge relied upon in determining the length of time.

Relying on P-12, Exhibit B, Mr. McCutcheon stated one might conclude that Dr. Kotturi was first employed by Health Ways in 1996. The second document attached to this was P-13 in evidence, relied upon by the Judge, further substantiates that Dr. Kotturi's first involvement in Health Ways was April 1, 1996. He further argued that while it may not seem irrelevant to the issue of whether or not employed by another physician, much of it was based on his credibility. Dr. Kotturi left Health Ways in the middle of 1997. Mr. McCutcheon stated Dr. Kotturi further testified before the Judge that when he was first hired by Mr. Sheik, he was under the impression that Mr. Sheik was a physician. He stated everyone called him "Dr. Sheik". Mr. McCutcheon stated it is clear in the record of an Administrative hearing in 1997 when Dr. Kotturi was first advised Sheik was not a doctor, he terminated the employment thereafter. With regards to this Exception, Mr. McCutcheon stated the Judge erroneously ignored the testimony of Dr. Kotturi and created a muddled picture on the other issues.

Regarding Exception #2, that Dr. Kotturi violated medical standards by performing numerous unwarranted blood tests and allergy tests, Mr. McCutcheon pointed out that Dr. Bielory testified, on behalf of the Complainant, that if there was no chart note and no indication that Dr. Kotturi saw the patient on the particular date that the tests were ordered by Dr. Kotturi, the tests were not warranted. The Judge concluded that it was a fair assumption. However, Mr. McCutcheon argued that Dr. Kotturi was a temporary employee at Health Ways and had no access to records and records that came from the State. The charts disclosed the only additional test ordered was one blood test, and it was justified in his chart note for that date.

Regarding Exception #3, Mr. McCutcheon stated the original Complaint filed by the Attorney General indicated there was extensive pulmonary testing not justified. The State's expert, Dr. Karetzky, concluded the tests were excessive and unjustified, however, it was never proven at trial they were less than what was alleged and it appears the Judge ignored Dr. Karetzky testimony that, in his training, spirometry was a screening tool to formulate a treatment plan. Even the Judge acknowledged the exam and interview were important components in formulating a treatment plan. He argued that Judge Klinger, in that area, made the assumption there was no chart note or indication. The Judge concluded that if Dr. Kotturi saw the patient and there was a test, then Dr. Kotturi must have ordered it.

Concerning the allegations of unnecessary prescriptions as a result of these tests, Mr. McCutcheon stated the number of times is far less than those alleged in the Complaint. He further stated prescriptions were given when warranted by clinical findings. For example, of the five patients, medication was given five times. Mr. McCutcheon noted that FB had ten visits over six months and Dr. Kotturi saw another patient 19 times and only three times were medications prescribed when he found positive findings. In evaluating the totality of the circumstances, the number of times he saw these patients, and considering the amount of testing and the amount of justified testing, the Judge concluded there was an ongoing period of unnecessary and unwarranted pulmonary testing. For those reasons, it was submitted that Judge Klinger's decision was in error and Mr. McCutcheon asked the Board to review them in its comments.

The Attorney General urged the Board to adopt Judge Klinger's Findings of Fact and recommended penalties in total. In reviewing the record in that decision, D.A.G. Kenny argued that it centered around five Medicaid patients between 1996 and 1997 at healthcare facilities or his office. Many were HIV positive with complications. The Attorney General presented un rebutted testimony from Leonard Bielory, M.D., board certified in the fields of internal medicine, allergy and immunology, and diagnostic laboratory immunology, and Monroe Karetzky, M.D. board certified in the fields of internal medicine, pulmonology, critical care medicine, geriatrics and nutritional support and is the Director of Pulmonary and Critical Care Medicine at Newark Beth Israel Hospital. D.A.G. Kenny outlined the Judge's findings which were overwhelming and included that Dr. Kotturi grossly deviated from appropriate standards, failed to take adequate evaluations and to consider test results for serious diseases. He argued this is gross negligence. Moreover, the Judge found that the doctor billed and performed unnecessary testing, that he engaged in grossly inadequate medical recordkeeping, and was employed by Mr. Sheik at Health Ways. Dr. Kotturi was a witness and the Judge's overwhelming decision was that Dr. Kotturi's testimony was inconsistent, unreliable and incredible. D.A.G. Kenny stated as the Board knows, for a Board to overturn the credibility determination of an ALJ, it would have to find that there was a miscarriage to justice in the word of that hearing officer. He noted Dr. Kotturi quibbles that he worked for the non-physician for three years. D.A.G. Kenny stated that conclusion was not supported by P-12 and the Board could now conclude Dr. Kotturi worked

for a non-physician July 1, 1995 to December 31, 1999, referring the Board to P-12 in evidence and the complete attachments to that piece of evidence that were admitted into evidence at the hearing without objection, which is the certification of Peter Ringel, Systems Architect for Unisys, indicating Dr. Kotturi was a Medicaid provider affiliated with Health Ways Medical Group, Inc., from on or about July 1, 1995 to October 9, 1997 and for West Broadway Medical Center, Inc., from January 9, 1996 to December 31, 1999. D.A.G. Kenny also directed the Board's attention to exhibit A attached to P-12 which supplies those dates. He stated it was more than reasonable for Judge Klinger to reach this conclusion because the overwhelming evidence supports such a conclusion. D.A.G. Kenny noted this is part of the record and should be available to this Board today, if not available, he would submit it. (It was noted the Board had the entire evidence in this matter.)

D.A.G. Kenny further argued that it was undisputed that Mr. Sheik owned Health Ways and West Broadway Medical Center, Inc. He did not just work for Health Ways. Dr. Kotturi performed numerous blood and allergy tests. There are references to the transcript that would justify Dr. Kotturi's contention. The Judge relied heavily on the expert testimony, citing Dr. Bielory that even if a test was ordered by Health Ways, Dr. Kotturi knew or should have known it was being ordered in his name. He continued to order this same test. That these tests were unnecessary is clearly established by the testimony of Dr. Bielory upon which the Judge relied. Dr. Kotturi takes exception to the finding of unnecessary and unwarranted pulmonary tests. D.A.G. Kenny stated it is clear in the record it was not justified. This was a situation where Medicaid patients went through a process at a facility, owned by an unlicensed physician where Dr. Kotturi rubber-stamped unnecessary testing and missed very serious medical conditions. Again, he stated the evidence supports Judge Klinger's findings that there was gross negligence in this case. With regard to working for a non-physician, D.A.G. Kenny noted that Dr. Kotturi contended that for whatever period he worked for Mr. Sheik, he did not know he was not a physician, he assumed he was a physician. He posited that sometime during the period he worked for Mr. Sheik, Dr. Kotturi would have asked where "Dr." Sheik went to medical school or had a discussion about a case. D.A.G. Kenny stated this Board could only conclude that Dr. Kotturi knew full well he was working for a non-physician. The Attorney General urged the Board to adopt the Findings of Fact of Administrative Law Judge Klinger in their entirety.

For the record, on behalf of his client, Mr. McCutcheon admitted that Dr. Kotturi worked for 15 months at Health Ways under Mr. Sheik. He also admitted that around the summer of 1997, he was advised at an Administrative Hearing over review of Medicaid records that Sheik was not a physician and Dr. Kotturi testified that within three to four weeks after hearing this, he terminated employment with Sheik.

The Board voted to go into executive session. 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 HAS CONSIDERED THE WRITTEN EXCEPTIONS AND ORAL ARGUMENTS PRESENTED AND HAS CONCLUDED THAT IT WILL MODIFY THE DECISION OF ALJ KLINGER IN ONE RESPECT; THAT IS, WITH REGARD TO THE LENGTH OF TIME THAT DR. KOTTURI WAS FOUND TO HAVE WORKED AT HEALTH WAYS. THE BOARD WILL MODIFY THAT THE EVIDENCE SHOWS DR. KOTTURI WORKED FOR A MINIMUM PERIOD FROM FEBRUARY 1, 1996 TO OCTOBER 1997. THE BOARD WILL ADOPT WITHOUT MODIFICATION THE REMAINDER OF THE FINDINGS OF FACT AND CONCLUSIONS OF LAW OF ADMINISTRATIVE LAW JUDGE KLINGER AND FINDS THE MODIFICATION MADE IN NO WAY AFFECTS THE DECISION MADE BY JUDGE KLINGER.

In mitigation, Mr. McCutcheon stated as part of the Exceptions as D.A.G. Flanzman noted, exception was taken to the penalties Judge Klinger recommended at numbers four and five. The heart of the matter really would be Judge Klinger's recommendation of a two-year suspension of Dr. Kotturi's medical license. As part of his argument earlier, he was trying to give the Board a sense of the totality of the facts and the manner in which Dr. Kotturi practiced at Health Ways during that period of time. He was a per diem employee at six or seven places. There was not any regular ongoing consistent treatment with these patients. Regarding working for a non-physician, which is now about 18 months, perhaps he was, as D.A.G. Kenny stated, indifferent. Mr. McCutcheon stressed that Dr. Kotturi believed Mr. Sheik was a physician. He worked in similar arrangements with people who

were physicians in clinic-type places. There is no evidence presented that Dr. Kotturi intentionally participated in anything going on at this clinic. He never made more than \$10,000 to \$12,000 in the two years he was there. Mr. McCutcheon had prepared a packet of exhibits for each board member which was distributed for Board consideration. Mr. McCutcheon eliminated R-5, which was marked as exhibits. R-1 contains letters from current patients that are being treated by Dr. Kotturi. Since Dr. Kotturi left Health Ways, he has operated a methadone clinic in Newark and has 400 patients. These letters have been submitted in mitigation to demonstrate Dr. Kotturi's need to continue practice. R-3 is a submission of continuing education that Dr. Kotturi has completed since 1997 through the current time: 17 courses of 100 plus credits. He has been approved as a drug clinic provider. Again, R-5 was deleted due to confidentiality. He sees about 400 drug addicted patients. R-7 is a certificate of good standing in the American Medical Association. Their request to the Board concerned the two-year active suspension.

D.A.G. Kenny acknowledged he reviewed the exhibits in advance. While he did not object to the items going into evidence, he cautioned the Board that they are uncertified and asked the Board to give them the appropriate weight.

Mr. McCutcheon continued by asking that when the Board considers the totality of the circumstances, the Board will conclude that the doctor did not benefit from the tests and was a per diem employee. Now four years post-Health Ways, Mr. McCutcheon stated Dr. Kotturi has been violation free, has complied with CME courses and definitions which he has become aware of even before the Complaint was filed when they testified before Board in Newark. At this time, Mr. McCutcheon requested that Dr. Kotturi be permitted to read a brief statement.

Dr. Kotturi was sworn and read a brief statement into the record. Dr. Kotturi outlined briefly his life in the U.S. since he arrived in October 1981. He asked the Board to consider that he took the ECFMG in June 1983, where he had a tough time getting into a residency. He worked several jobs then worked for Blue Cross/Blue Shield and medical examiners in 1991. By July 1991, he was able to get a residency and passed his boards. While completing his residency, he was able to get a New Jersey license. In July 1994, he ran a medical center in New York as a family physician at the same time he was working with Health Ways Medical Center in 1996 and 1997. Since leaving Health Ways and during his practice in Newark, as a result, he applied for a license from the state to operate an Opiate Treatment Center based on the knowledge in CME. He stated that ever since he opened the outpatient treatment clinic in January 26, 1998, he has had over 2,000 patients, 400 current. These patients come early in the morning. Otherwise, he believed there would be criminal activity using alcohol and/or drugs. He requested the Board to consider his mitigation points and ever since he left in the middle of 1997 to the current, he has been practicing addiction medicine and cooperating with the Medical Board in its investigation. Recently he received a certification from Newark Beth Israel Medical Center where he has privileges. He believed it was not appropriate to revoke his license since he has been cooperating with the investigation by the Medical Board and has practiced medicine for four years with no violations or complaints. He stated that the patients he takes care of are good citizens now, otherwise, without his treatment, they would be using alcohol and/or drugs.

Dr. Kotturi was questioned by D.A.G. Kenny and Members of the Board.

Dr. Kotturi explained he has privileges at Newark Beth Israel, but does not have anyone currently admitted in the hospital, nor does he have any teaching responsibilities. He plans to take the certification on addiction medicine administered by the American Society of Addiction Medicine. Although Dr. Kotturi stated he was trained in pediatrics and board certified, his practice now is mostly addiction medicine.

In rebuttal, D.A.G. Kenny explained that as he understood it, Dr. Kotturi takes exception to two-years suspension of license and based on review of the Exceptions filed, that the Judge's decision was based solely on the finding that Dr. Kotturi worked for the non-physician. To the contrary, Judge Klinger clearly submits that the two-years suspension was for gross negligence in determining the appropriate sanction. The Attorney General agrees that the recordkeeping, even the working for the non-physician, are secondary to the grossly negligent care. Additionally, he noted that Dr. Kotturi takes exception to the \$52,500.00 civil penalties and costs saying this is because the violations are technical in nature. D.A.G. Kenny argued the violations are not technical and are substantive and go to the quality of care rendered and/or not rendered to the patients. It was clearly in evidence he was an

employee of a non-physician. The Attorney General respectfully requested that the Board adopt the Judge's recommendation of penalty because it is in keeping with the findings the Board has made in the past.

Mr. McCutcheon submitted that the penalty of the suspension is extensive and harsh. He asked the Board to consider when the events occurred and what Dr. Kotturi has done to correct the problem.

The Board voted to go into executive session. 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, VOTED TO MODIFY ALJ KLINGER'S RECOMMENDATION AS TO PENALTY IMPOSING NOT A TWO-YEAR SUSPENSION, BUT A FIVE-YEAR SUSPENSION OF LICENSE, THE FIRST TWO YEARS OF WHICH ARE TO BE ACTIVE, AND THE REMAINING THREE YEARS ARE TO BE SERVED AS PROBATION. THE BOARD AFFIRMED THE REMAINDER OF ALJ KLINGER'S RECOMMENDATION AS TO PENALTIES AND COST. DURING THE ACTIVE PERIOD OF SUSPENSION, DR. KOTTURI SHALL PASS AND SUCCESSFULLY COMPLETE A RECORDKEEPING AND ETHICS COURSE ACCEPTABLE TO THE BOARD. PRIOR TO RESUMING PRACTICE, DR. KOTTURI IS REQUIRED TO APPEAR BEFORE A COMMITTEE OF THE BOARD WITH PROOF THAT HE HAS PASSED THE COURSES AND DEMONSTRATES THAT HE IS COMPETENT TO RESUME THE PRACTICE OF MEDICINE. THE BOARD HAS THE RIGHT TO PLACE RESTRICTIONS OR LIMITATIONS ON DR. KOTTURI'S LICENSE DURING THE PERIOD OF PROBATION OR TO ORDER RETRAINING IF RESPONDENT CANNOT DEMONSTRATE HE IS COMPETENT TO PRACTICE. THIS ORDER IS EFFECTIVE AS OF THE CLOSE OF BUSINESS ON MONDAY, FEBRUARY 25, 2002.

On behalf of Dr. Kotturi, Mr. McCutcheon requested a stay of the Board's decision, pending an appeal.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY A STAY OF THIS MATTER.

On behalf of Dr. Kotturi, Mr. McCutcheon requested an additional 30 days to the effective date of the Order to permit Dr. Kotturi ample time to close down his practice.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE REQUEST FOR A 30-DAY STAY. A WRITTEN ORDER WILL FOLLOW.

OLD BUSINESS

1. NWANNA, Romanus O., M.D. (Without Appearance)

MANDEL, Pamela, Esq., for Respondent

VALERA-SCHUTZ, Beatriz, D.A.G.,

A Consent Order was filed on August 20, 2000 which suspended Dr. Nwanne's license for two years beginning September 1, 2000, the first three months active with the remainder stayed to become probation. The suspension was based upon Dr. Nwanne's failure to provide adequate prenatal care to patient AT, failure to personally attend this high-risk patient at the hospital, failure to appropriately direct the care of his patient, failure to insure he had a covering physician, and abandonment of his duties at Muhlenberg Regional Medical Center on January 7 - 8, 1996. The probationary period ends September 1, 2002, at which time Dr. Nwanne is to appear before a Committee of the Board for the purpose of discussing his compliance with this Order.

Submitted for Board consideration was a January 4, 2002 letter from Ms. Mandel advising the Board that Dr. Nwanne has complied with all of the conditions set forth in the Order. On behalf of Dr. Nwanne, she has requested that Dr. Nwanne's probationary term be suspended. The reason for the request for early termination of the probationary term is that Dr. Nwanne's remaining on probation has an extremely deleterious impact on his ability to participate in third-party insurance plans. Ms. Mandel has included with her letter, in support of Dr. Nwanne's application, proof of satisfactory completion of the ProBE Course and information concerning Dr.

Nwanna's requirement to satisfactorily complete, within the two years of his suspension, 48 hours of CME courses in high-risk pregnancy. These courses were to be approved by the Board. The courses taken in June 2001 and September 2001 were approved by the Board (which credit hours total 36 CE credit hours. Enclosed for Board information are the May 9, 2001 and August 8, 2001 Open Disciplinary Board Minutes regarding course approval. Dr. Nwanna has paid the penalty and costs assessed in this matter totaling \$5,124. Ms. Mandel requests that in the event that her submission is not sufficient for the relief requested, that Dr. Nwanna be scheduled to appear before the Committee of the Board. Also enclosed was the Consent Order filed August 24, 2000.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE REQUEST FOR A SHORTENING OF THE PROBATION TIME AND MANDATED THAT THE REQUIRED 48 HOURS OF CME FOR HIGH RISK PREGNANCY MUST BE TAKEN AND NOT TO CREDIT DR. NWANNA FOR THE 16 CREDITS.

2. CAPOBIANCO, Leo J., D.O., License #62246 (Without Appearance)

MANDEL, Pamela, Esq.

PHAM, Jacqueline, D.A.G. (Counseling Deputy: LEVINE)

A Provisional Order of Discipline (POD) was filed October 18, 2001 which would revoke the above physician's license. Enclosed for Board consideration were D.A.G. Pham's January 29, 2002 letter to the Board; Ms. Mandel's response with Exhibits 1 and 2 dated November 29, 2001; and the POD with attachments filed October 18, 2001.

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

3. CHOY, Peter V., M.D., License #32819 (Counseling Deputy: LEVINE)

ZISKIND, J.A., Esq., for Respondent

PHAM, Jacqueline, D.A.G.

A Provisional Order of Discipline (POD) was filed September 17, 2001 which would reprimand the above physician. Enclosed for Board consideration were D.A.G. Pham's January 30, 2002 letter to the Board; Mr. Ziskind's response with Exhibits A through C dated September 25, 2001; and the POD with attachments filed September 17, 2001.

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

Mr. Weiss voted in opposition.

4. GREENIDGE, Neil T., M.D. (Without Appearance)

PHAM, Jacqueline, D.A.G. (Counseling Deputy: LEVINE)

A Provisional Order of Discipline (POD) was filed November 28, 2001 which would place the above physician's license on probation for six months. Enclosed for Board consideration were D.A.G. Pham's January 30, 2002 letter to the Board; Dr. Greenidge's response dated December 4, 2001; and the POD with attachments filed November 28, 2001.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MODIFY THE POD TO BECOME A FINAL ORDER OF DISCIPLINE WHICH WOULD MIRROR THE DISCIPLINE IN NEW YORK.

5. HAYS, Richard W., M.D., License #37269 (Without Appearance)

PHAM, Jacqueline, D.A.G. (Counseling Deputy: LEVINE)

A Provisional Order of Discipline (POD) was filed September 19, 2001 which would suspend the above physician's license for six months, the entirety stayed and served as probation. Enclosed for Board consideration were D.A.G. Pham's January 30, 2002 letter to the Board; Dr. Hays' response with attachments dated November 5,

2001; and the POD with attachments filed September 19, 2001.

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

**6. RIZVI, Saiyid S., Ph.D., (Lab. Director) (Without Appearance)
ALBERTSON, B. Michelle, D.A.G.**

A Provisional Order of Discipline (POD) was filed November 28, 2001 which would suspend the above laboratory director's license until such time as he can demonstrate he is eligible to participate in the New Jersey Medical Assistance and Health Services Program. Enclosed for Board consideration were D.A.G. Albertson's January 18, 2002 letter to the Board; Dr. Rizvi's response dated December 22, 2001; and the POD with attachments filed November 28, 2001.

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

**7. SHAH, Pankajal S., M.D., License #45596 (Without Appearance)
TUBIOLO, Richard S., Esq., for Respondent
PHAM, Jacqueline, D.A.G., for Complainant (Counseling Deputy: DICK)**

A Provisional Order of Discipline (POD) was filed August 28, 2001 which would suspend the above physician's license for six months, stayed. The Board received for consideration at its November 14, 2001 meeting D.A.G. Pham's October 24, 2001 letter to the Board; Mr. Tubiolo's September 21, 2001 response with attachments; and the POD with attachments filed August 28, 2001. The Board voted at its November meeting to finalize the POD with a Final Order of Discipline. D.A.G. Dick requested that the materials be resubmitted to the Board for consideration based upon the Board not receiving two additional responses addressed to D.A.G. Pham from Mr. Tubiolo dated October 10 and 12, 2001. All materials the Board received in November were enclosed along with Mr. Tubiolo's letters of October 10 and 12, 2001. Mr. Tubiolo's October 12, 2001 letter enclosed a copy of Dr. Shah's certificate of attendance of a two-day course at the Case Western Reserve University School of Medicine. This document was not enclosed with the packet, but D.A.G. Dick had the certificate available at the meeting.

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

**8. TUCKER, Karen E., D.P.M., License #2449 (Without Appearance)
ALBERTSON, B., Michelle, D.A.G. (Counseling Deputy: LEVINE)**

A Provisional Order of Discipline (POD) was filed January 21, 2000 which would suspend the above physician's license to practice podiatry in New Jersey for three years. Enclosed for Board consideration were D.A.G. Albertson's December 27, 2001 letter to the Board; Dr. Tucker's responses dated February 28, 2000, June 20, 2001 and December 14, 2001; a 12-page document filed with the U.S. District Court, Northern District of Texas on November 13, 2001; and the POD with attachments filed August 28, 2001. Dr. Tucker submitted additional documents (approximately 3 inches thick) which were not copied for the Board but were available for Board inspection at the meeting.

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

D.A.G. ITEMS NOT ON AGENDA

**1. ANDUJAR, Edward, M.D., License #56413 (Without Appearance)
HARPER, Douglas J., D.A.G. (Counseling Deputy: DICK)**

D.A.G. Dick explained that a Verified Complaint has been filed by D.A.G. Harper with a Motion for Temporary

Suspension in the matter of Dr. Andujar. Dr. Harrer signed the Order to Show Cause and agreed to have the matter heard tomorrow morning at 10:30 a.m. in Newark. Dr. Harrer's actions are subject to ratification by the Board. Dr. Andujar, however, has requested an adjournment. A letter is being faxed to Newark. She noted that D.A.G. Harper objects and once that letter is received, that issue will be brought up. Right now, the Board was asked to ratify Dr. Harrer's action on having this matter heard before a Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RATIFY DR. HARRER'S DECISION.

Later in the day, the Board returned to this matter. The Board received as a handout the Order to Show Cause, Certification of Enforcement Bureau Investigator Deborah Zuccarelli, R.N., and Complaint in the matter of Dr. Andujar. Additionally, the Board received a three-page request for adjournment of the hearing scheduled tomorrow.

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

The Board returned to open session and announced the following motion:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT THE MOTION FOR ADJOURNMENT IN THE MATTER OF DR. ANDUJAR ON CONDITION THAT DR. ANDUJAR CLOSES HIS OFFICE IMMEDIATELY UNTIL THE RESULT OF THE HEARING, AND THAT IF HE WISHES TO OPEN HIS OWN OFFICE ELSEWHERE, HE WILL HAVE TO HAVE INSPECTION OF THE PREMISES APPROVED BY THE BOARD AND FULL-TIME SUPERVISION BY A LICENSED HEALTH CARE PROVIDER KNOWLEDGEABLE ABOUT OSHA REGULATIONS AND HYGIENE. BASED ON THESE CONDITIONS, THE BOARD WILL ADJOURN THIS MATTER FOR TWO WEEKS UNTIL WEDNESDAY, FEBRUARY 27, 2002, OR AT THE RESPONDENT'S OPTION, WEDNESDAY, FEBRUARY 20, 2002 IN TRENTON.

REPORT OF NEW COMPLAINTS FILED

1. BURKE, William M., M.D., License #20048 (Millburn, NJ)

Complaint filed December 27, 2001 alleging billing for radiologic services not rendered; delegation to unlicensed person(s) performance of radiologic services requiring licensure; performance of repeatedly and grossly negligent or incompetent radiologic studies at two offices with regard to patients receiving treatment; performance of repeatedly and grossly negligent or incompetent independent medical examinations, including radiologic examinations and professionally deceptive reporting thereof; professional misconduct in unbundling fees, and negligence, malpractice or incompetence in medical examination and in non-radiologic medical diagnostic testing; billing for other forms of medical services not rendered, or alternatively, failure to properly maintain medical records; failure to secure medications from unauthorized access to them by patients or others, and failure to remove outdated medication from inventory, and various Board rule violations; impermissible medical practice structure; and failure to disclose beneficial and financial interests to the Board and/or to patients and carriers.

2. GOLIN, Mark M., M.D., License #42147 (Ridgewood, NJ)

Complaint filed January 15, 2002 alleging gross/repeated negligence, malpractice or incompetence; failure to document initial work-up and failure to maintain proper patient records; failure to document medications in patient charts and/or strengths, dosages, instructions; false diagnoses on insurance forms constituting misrepresentation, deception, professional misconduct and failure of continuing requirement of good moral character; excessive fees; and deliberate destruction of patient records.

3. LAUTON, Barry, M.D., License #MA19137 (Springfield, NJ)

Complaint filed January 2, 2002 alleging gross or repeated acts of malpractice and professional misconduct;

incapacity to discharge functions of licensee in a manner consistent with public health, safety and welfare; failure to fulfill statutory requirement of good moral character; and sexual misconduct.

REPORT OF INTERIM AND FINAL ORDERS FILED WITH THE BOARD

1. ADAMS, Peter X., M.D., License #43757 (Englewood, NJ)

FINAL ORDER OF DISCIPLINE filed January 15, 2002. Dr. Adams' license to practice medicine and surgery in the State of New Jersey is suspended for five years or until such time as he is authorized to practice in the State of New York without any restrictions, terms or conditions, including probation. Prior to any active practice in New Jersey, he must appear before a Committee of the Board to demonstrate his fitness to resume practice, as well as demonstrate he does not engage in any use of chemical substances which in any way affect or impair his ability to practice medicine. Any practice in New Jersey prior to such appearance will constitute grounds for a charge of unlicensed practice. The Board reserves the right to place restrictions on his license should it be reinstated. The Board's action was based on the suspension of his New York medical license for professional misconduct in that he practiced with negligence, gross negligence, incompetence, gross incompetence and that he failed to obtain adequate consent and maintain adequate medical records. Further, he was arrested and issued tickets for operating a vehicle while under the influence. He was fined and his driver's license revoked for six months. EFFECTIVE DATE: January 15, 2002

2. BURKE, William M., M.D., License #20048 (Millburn, NJ)

INTERIM AGREEMENT filed January 25, 2002. Pending final disposition of the matter, Dr. Burke has offered to provide the following assurances regarding interim performance of radiologic procedures at any medical office where he examines and treats patients or performs examinations on individuals at the behest of third parties. He agreed to propose one or more monitors of radiologic studies for Board review and approval. The monitor is to be a Board-approved New Jersey licensed physician who will review all radiologic studies conducted at Dr. Burke's office(s) or ordered or performed by Respondent. The monitor shall ascertain the identity and licensure of the person(s) performing each study and shall review each study performed. Until further Order of the Board, the review shall be performed at Dr. Burke's office where the study was performed. Monitor to submit to the Medical Director of the Board a summary report of all the studies reviewed incorporating a chart providing background information, including but not necessarily limited to the data specified in this Order. Until further notice, the reports shall be submitted weekly as specified. The monitor shall report immediately to the Board work which, in the opinion of the monitor, fails to meet accepted standards of practice and also any individual matter believed to present an imminent peril to the patient or public. The Medical Director of the Board may, at his discretion, request production of exemplar radiologic studies for inspection. EFFECTIVE: January 25, 2002

3. CARDILLO, Richard Craig, M.D, License #50944 (Suamico, WI)

FINAL ORDER OF DISCIPLINE filed December 20, 2001. On or about December 15, 1999, a Final Decision was entered by the Wisconsin Medical Board which suspended Dr. Cardillo's right to renew his license for one year after which he could renew his Wisconsin license upon providing proof he successfully completed a program addressing the issue of health care provider-patient relationship boundaries. Action was based on his having engaged in a sexual relationship with a patient. On or about September 25, 2000, the Pennsylvania Board of Medicine suspended his license based on the Wisconsin action and issued a reprimand and fine. Dr. Cardillo failed to renew his New Jersey license since 1991 when it expired for failure to renew. A Provisional Order was filed with this Board based on the action taken against his licensure privileges in Wisconsin and Pennsylvania. Dr. Cardillo submitted a request for disposition in a form commensurate with his mitigating circumstances. His submissions were reviewed. The Board was not persuaded the materials submitted warranted further consideration and ordered that Dr. Cardillo's license to practice medicine and surgery in the State of New Jersey be suspended for one year. He must provide satisfactory proof that he has completed a continuing education class that addresses the role of patient health care provider relationships and maintaining proper boundaries. Prior to resuming active NJ practice, he must appear before the Board/Committee to demonstrate fitness to resume practice. Any practice prior to said appearance will constitute grounds for a charge of unlicensed practice. Should

his license be reinstated, the Board reserves the right to place restrictions on his practice. EFFECTIVE DATE: December 20, 2001

4. COLINA, Ernesto S., M.D., License #32425 (Salisbury, NC & Plant City, FL)

FINAL ORDER OF DISCIPLINE filed January 22, 2002. Dr. Colina's license to practice medicine and surgery in the State of New Jersey is revoked. New Jersey's action was based on the revocation of Dr. Colina's Florida license by default after he failed to appear before the Florida Board to address allegations that he practiced medicine below acceptable levels of care, skill and treatment. EFFECTIVE DATE: January 22, 2002

5. HILTON, James R., Jr., D.O., License #59890 (Vineland, NJ)

FINAL ORDER OF DISCIPLINE filed January 16, 2002. Dr. Hilton's license to practice medicine and surgery in the State of New Jersey is suspended until repayment of the Health Education Assistance Loan or an agreement to repay the debt has been executed by all appropriate parties. Dr. Hilton is reprimanded. Prior to resuming active practice in New Jersey, he must provide adequate documentation demonstrating that he has completed an ethics course and must appear before a Committee of the Board to demonstrate fitness to practice. Any practice prior to this appearance will constitute grounds for a charge of unlicensed practice. The Board reserves the right to place restrictions on his license should he be reinstated. New Jersey's action was based on Dr. Hilton's exclusion from participation in the Medicare Program on October 31, 2000 and exclusion from participation in Medicare, Medicaid and all Federal health care programs effective 20 days from October 31, 2001 for failure to repay a student loan. EFFECTIVE DATE: January 16, 2002

6. JAMISON, Robert W., D.O., License #33382 (Cherry Hill, NJ)

ORDER DENYING PETITION FOR REINSTATEMENT filed November 2, 2001. Dr. Jamison petitioned the Board for reinstatement of his license to practice medicine and surgery in the State of New Jersey. By Final Order filed July 12, 2000, Dr. Jamison's license was surrendered with said surrender deemed to be a revocation of license. The Final Order summarized the charges of his engaging in an extensive and long-term pattern of fraud and gross incompetence in several forms of electrodiagnostic testing, billing for services not performed, financial improprieties perpetrated through corporations in which he held interests, and numerous violations of Board regulations. He pled no contest to the charges and agreed to surrender his license, pay a penalty of \$50,000 and withdraw claims to patients or insurance carriers for any form of diagnostic testing, and arrange for the dissolution of all general business corporations in which he held any financial interest. The Board found he failed to comply with the requirements of the Board's Order and that he has demonstrated no cause in his submissions which would support his petition for reinstatement, particularly when considered against the substantial and egregious misconduct in which he engaged. The Board ordered that Dr. Jamison's petition for reinstatement of license be denied. EFFECTIVE DATE: November 2, 2001

7. JARMON, Robert G., M.D., License #30161 (Spring Lake, NJ)

ORDER OF TEMPORARY SUSPENSION filed December 20, 2001. An Application for Temporary Suspension of Dr. Jarmon's license to practice medicine was brought by the Attorney General's Office. An Order to Show Cause scheduled this matter to be heard at the December 12, 2001 Board meeting. The Verified Complaint alleged that Dr. Jarmon, a psychiatrist, engaged in sexual contact, including intercourse with his psychiatric patient during the course of treatment sessions in his medical office. His acts and purported treatment were said to constitute gross or repeated acts of malpractice, negligence and incompetence, professional misconduct, incapacity to practice consistent with the public health, safety and welfare, and a violation of the Board's Sexual Misconduct Regulation. Said conduct was further alleged to demonstrate the absence of good moral character and any further practice would pose a clear and imminent danger. The Board ordered that Dr. Jarmon's license to practice medicine and surgery in the State of New Jersey is temporarily suspended pending disposition of a plenary hearing in this matter. Such suspension is effective upon the oral announcement of this decision on the record on December 12, 2001. EFFECTIVE: December 12, 2001

8. KALANI, Ghanshyam, M.D., License #57961

a/k/a Jim Kalani (New York, NY)

FINAL ORDER OF DISCIPLINE filed December 12, 2001. In US District Court, Southern District of New York, Dr. Kalani was found guilty of one count of health care fraud, three counts of making false statements, and three counts of making false Medicare claims. He and other physicians had been charged with taking part in a conspiracy to execute a scheme to defraud Medicare and obtain money and property from said program by submitting false claims. It was alleged that Dr. Kalani and other physicians solicited elderly persons on Medicare through a telephone telemarketer to convince them to agree to diagnostic tests in their homes. They recruited unlicensed foreign medical school graduates to go to the homes of the elderly to conduct cursory physical examinations and administer tests, and the licensed physicians signed as the "ordering physicians" for the tests and other services which were checked on "encounter forms" used to make Medicare claims. Between 1995 and June 1998, the group billed Medicare for more than ten million dollars. He was sentenced to prison and ordered to pay restitution of \$161,785.88. His conviction on seven counts of federal criminal activity establishes grounds for suspension or revocation. A Provisional Order was filed based on the above actions. Dr. Kalani responded. The Board reviewed his submissions and found further proceedings were not necessary in that no material discrepancies had been raised. The Board ordered that Dr. Kalani's license to practice medicine and surgery in the State of New Jersey be revoked. EFFECTIVE DATE: December 12, 2001

9. LOBO, Angel R., M.D., License #29576 (Paterson, NJ)

CONSENT ORDER OF TEMPORARY SURRENDER OF LICENSURE filed February 1, 2002. The Board received information that Dr. Lobo had been indicted by a State Grand Jury on October 30, 2001 under Superior Court Docket No. 01-10-00106-S. The indictment charged Dr. Lobo, inter alia, with one count of conspiracy in the second degree, four counts of health care claims fraud in the second degree, one count of theft by deception in the third degree, one count of attempted theft by deception in the third degree, and two counts of criminal use of runners in the third degree, all in connection with his medical practice in the cities of Paterson and Passaic and in the Township of Bridgewater between approximately February 22, 2000 and August 1, 2000. Dr. Lobo sought to temporarily surrender his license to practice medicine and surgery in the State of New Jersey pending resolution of all criminal charges against him. The Board ordered he be granted leave to temporarily surrender his license to practice medicine and surgery in the State of New Jersey pending resolution of all criminal charges now lodged against him and pending further Order of this Board. He, or his attorney, must immediately notify the Board and the Attorney General of any resolution of the criminal charges pending against him. EFFECTIVE DATE: February 1, 2002

10. MORGENSTERN, Glenn M., M.D., License #50135 (Tinton Falls, NJ)

INTERIM CONSENT ORDER filed January 15, 2002. Dr. Morgenstern admitted, in a deposition in a civil suit and again during an appearance before a Preliminary Evaluation Committee of the Board, to one instance of inappropriate sexual encounter occurring over the course of an afternoon in his patient's home. In order for the Board to make a final determination in this matter, Dr. Morgenstern consented to submit to a diagnostic evaluation from a Board-approved center for sexual disorders, said evaluation to be conducted within one month of entry of this Order. Any evaluations, recommended treatments and records from this evaluation will be provided to the Board. He must also submit to the Board all medical records and reports from treating therapists for the past five years. Until a final determination is made as to his fitness to safely practice medicine, he must be monitored by a licensed health care professional while treating female patients. EFFECTIVE DATE: January 15, 2002

11. NIN, Frederick, M.D., License #26856 (Coral Gables, FL)

FINAL ORDER OF DISCIPLINE filed January 29, 2002. The Board received information that a Final Order was entered by the Florida Board of Medicine wherein the Florida Board found Dr. Nin failed to practice medicine with an acceptable level of care, skill and treatment. A Provisional Order of Discipline based on the Florida Board's action was mailed to Dr. Nin at his last known address of record with the Board. Dr. Nin failed to respond. The Board has ordered that he be reprimanded. Prior to resuming any active practice in the State of New

Jersey, he must appear before a Committee of the Board to demonstrate his fitness to practice. Any practice in New Jersey prior to such appearance will constitute grounds for a charge of unlicensed practice. EFFECTIVE DATE: January 29, 2002

12. PATEL, Hitesh D., M.D., License #56484 (Tustin, CA)

FINAL ORDER OF DISCIPLINE filed January 22, 2002. Dr. Patel's license to practice medicine and surgery in the State of New Jersey is suspended for five years. Prior to commencing any practice in New Jersey, he must appear before a Committee of the Board to demonstrate his fitness to practice. Any practice prior to said appearance will constitute grounds for automatic revocation of his New Jersey license. New Jersey's action was based upon an action taken by the California Medical Board which ordered a five-year stayed-revocation to be served as probation after Dr. Patel admitted he engaged in unprofessional conduct. The California Board also required a third party be present when Dr. Patel examined or treated female patients under 18 years of age. EFFECTIVE DATE: January 22, 2002

13. PEARL, Richard E., M.D., License #34894 (Brooklyn, NY)

FINAL ORDER OF DISCIPLINE filed January 31, 2002. Dr. Pearl's license to practice medicine and surgery in the State of New Jersey is suspended until such time as he demonstrates there are no restrictions on his New York license. Dr. Pearl was also reprimanded. Prior to active practice in NJ, he must appear before the Board to demonstrate his fitness to practice and that there are no restrictions on his NY license. Any practice prior to said appearance will constitute grounds for a charge of unlicensed practice. New Jersey's action was based on a Determination and Order of a Hearing Committee entered April 4, 2001 by the New York Department of Health and his failure to respond to a Provisional Order of this Board. The New York Board sustained charges of practicing with gross negligence, fraudulent practice, moral unfitness and failure to maintain a record. The New York Board also found he lied on an application for hospital reappointment. As a result, his license to practice medicine in New York was suspended for three years with the last two years stayed during which he was required to have his records monitored. EFFECTIVE DATE: January 30, 2002

14. REDONDO, Ileana V., M.D., License #37540 (Fort Lee, NJ)

FINAL ORDER OF DISCIPLINE filed January 30, 2002. Dr. Redondo's license to practice medicine and surgery in the State of New Jersey is revoked. Action followed her failure to respond to a Provisional Order of Discipline based upon the surrender of her license to practice medicine in the State of New York after her conviction for larceny and her exclusion as a Medicaid Provider. EFFECTIVE DATE: January 30, 2002

15. ROBBINS, David Lodge, Jr., M.D., License #73130 (Ocean, NJ)

CONSENT ORDER OF VOLUNTARY SURRENDER filed December 12, 2001. The Board received information from the Physicians' Health Program (PHP) that Dr. Robbins admitted a relapse into the abuse of psychoactive substances. He entered in-patient treatment at Clearbrook Manor, Pennsylvania on or about November 6, 2001. The Board ordered he be granted leave to immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum period of six months from date of entry of this Order. Prior to any restoration of his license, he must appear before the Board to discuss his readiness to re-enter the practice of medicine, be prepared to propose his plans for future practice in New Jersey, 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 any impairment or limitation resulting from the use of cocaine, alcohol, or any drug which could affect his practice. He must also meet with a Board-approved psychiatrist and an aftercare counselor at least once a week, attend support groups three times a week, submit to random twice-weekly urine monitoring under the supervision of the PHP and provide the Board with reports from each/every mental health professional who has participated in his care and/or treatment from the time of his entry into treatment to his appearance before the Board. EFFECTIVE DATE: December 12, 2001

16. ROSMAN, Maurice, D.O., License #18429 (Cherry Hill, NJ)

ORDER OF DISMISSAL OF PROVISIONAL ORDER OF DISCIPLINE filed September 13, 2001. A Provisional Order of Discipline was entered on March 20, 2001 proposing a suspension based upon the July 2000 Consent Order entered with the State of Pennsylvania for failure to carry professional liability insurance. Respondent, through counsel, provided a June 26, 2001 letter and attachments which demonstrated that Dr. Rosman was covered by malpractice insurance from March 4, 1998 to the present. Since Dr. Rosman's authority to engage in the activity regulated by the Board was not revoked or suspended by any other state agency or authority for reasons which would provide a basis for action in New Jersey, the Board has ordered that the Provisional Order filed March 20, 2001 be dismissed. EFFECTIVE DATE: August 8, 2001

17. SCHUTZ, Randolph M., M.D., License #45230 (Brooklyn, NY)

FINAL ORDER OF DISCIPLINE filed January 29, 2002. Dr. Schutz' license to practice medicine and surgery in the State of New Jersey is revoked. The action followed his failure to respond to a Provisional Order of Discipline relative to his surrendering his license to practice medicine in the State of New York on or about October 28, 1998 after agreeing not to contest 23 specifications of professional misconduct. It was alleged that he prescribed Prozac, Valium, Xanax and Percocet inappropriately, without adequate evaluation and not for a proper medical purpose, knowing and intending that the prescriptions were for other than proper medical purpose. EFFECTIVE DATE: January 29, 2002

18. TIWARI, Ratan, L., M.D., License #33570 (Hemet, CA)

ORDER OF DISMISSAL OF PROVISIONAL ORDER OF DISCIPLINE filed September 27, 2001. On March 1, 1999, an Order was filed with the Medical Board of California in which Dr. Tiwari waived his right to contest charges that he practiced with gross and repeated negligence in his treatment of a 60-year-old male cardiac patient which resulted in the patient's death. He was reprimanded and ordered to undergo an assessment of his clinical training and education. A Provisional Order of Discipline was filed June 11, 2001. He responded through his attorney. The Board reviewed the submission and was swayed by his reeducation and clinical training which remediated the underlying competency issue which gave rise to the California Order. Furthermore, the California action did not rise to the level of a suspension or revocation which would form the basis for a New Jersey action. The Board voted to dismiss the Provisional Order of Discipline. EFFECTIVE DATE: August 8, 2001

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

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

The meeting adjourned at 4:15 p.m.

Respectfully submitted,

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

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