

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 19-031

IN THE MATTER  
OF  
ANINDITA NANDI, M.D.

COMMISSIONER'S  
ORDER OF  
SUMMARY  
ACTION

TO: ANINDITA NANDI, M.D.

The undersigned, Sally Dreslin, M.S., R.N., Executive Deputy Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the New Jersey State Board of Medical Examiners, has made a finding substantially equivalent to a finding that the practice of medicine by ANINDITA NANDI, M.D. (the Respondent), New York license number 224903, in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the "Order of Temporary Suspension of License" (henceforth: "predicate action"), attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

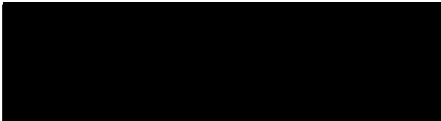
This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the predicate action. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing

will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719 via Certified Mail, Return Receipt Requested, of the final conclusion of the proceeding in the predicate action, immediately upon such conclusion.

THE NEW YORK PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
January 25<sup>th</sup>, 2019

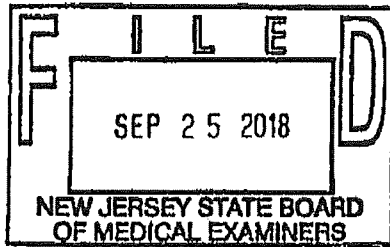
  
Sally Dreslin, M.S., R.N.  
Executive Deputy Commissioner of Health  
New York State Department of Health

Inquiries should be directed to:

Marc S. Nash  
Associate Counsel  
New York State Health Department  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Albany, NY, 12237

Phone: 518-473-4282  
[REDACTED]

# Appendix A



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

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

ORDER OF TEMPORARY SUSPENSION

ANINDITA NANDI, M.D.  
License No. 25MA09007500

OF LICENSE

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners (Board) by way of an Order to Show Cause, Notice of Hearing and Notice to File an Answer, filed with the Board by Gurbir S. Grewal, Attorney General of New Jersey, Deputy Attorney General (DAG) Delia DeLisi appearing, on August 30, 2018. The Order was supported and accompanied by a Verified Complaint, a supporting brief and exhibits, and was returnable on September 12, 2018. Pursuant to N.J.S.A. 45:1-22 the Attorney General sought temporary suspension of the license of Anindita Nandi, M.D., (Respondent), to practice medicine and surgery in the State of New Jersey as well as other restraints deemed necessary by the Board, pending a plenary hearing on the matter.

The one count Verified Complaint alleges, among other things, that Respondent's continued and recent lack of compliance with her

CERTIFIED TRUE COPY

scheduled follow up appointments with the Professional Assistance Program (PAP) on May 15, 2018 and July 31, 2018, to assure the PAP and the Board that Respondent's mental health is stable and she is compliant with her psychotropic medication regimen; Respondent's failure to appear before two separate meetings of Committees of the Board on June 25, 2018 and August 22, 2018, and Respondent's failure to respond in writing to a patient's complaint filed with the Board in March 2018, that raises concerns regarding Respondent's mental health, presents a clear and imminent danger to the public's health, safety and welfare in violation of N.J.A.C. 13:45C-1.2-1.3 and N.J.S.A. 45:1-21(i). The complaint further alleges that Respondent's conduct poses a clear and imminent danger to the public and constitutes grounds for the immediate temporary suspension of Respondent's license to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:1-22.

Respondent did not submit an Answer or other written response to the Order to Show Cause or Verified Complaint. Nor did Respondent telephone, contact, or appear at the Board office seeking an adjournment or otherwise responding to the Order to Show Cause.

A hearing was held before the Board on September 12, 2018. DAG Delia DeLisi appeared on behalf of the complainant Attorney General. After waiting more than sixty minutes beyond the scheduled time for the hearing, and representing that Respondent had not responded to

the Order to Show Cause and Verified Complaint, the Attorney General made a motion to proceed with the hearing to temporarily suspend Respondent's license as service had been effectuated.

DAG DeLisi moved into evidence a Certification of Service, from Oscar G. Amaya, an investigator with the Division of Consumer Affairs, Enforcement Bureau (Exhibit P-P). The certification states that on August 31, 2018, Investigator Amaya went to Respondent's residential building and had the concierge telephone Respondent that he was there to see her. The concierge stated that Respondent did not answer the phone and never does. Investigator Amaya was then allowed to go directly to Respondent's apartment door to serve her with the Order to Show Cause and Verified Complaint. When Investigator Amaya knocked on Respondent's door she acknowledged she was in the apartment but refused to speak to Investigator Amaya and told him to go to the lobby where she would speak to him, Respondent then fled the building. On September 4, 2018, Investigator Amaya returned to Respondent's building and identified himself to another concierge who authorized him to go directly to Respondent's apartment door, where he knocked on the door and there was no answer. As the investigator was taping the Order to Show Cause and Verified Complaint on the apartment door Respondent appeared down the hall and requested the investigator immediately proceed to the lobby for a discussion. In the lobby Respondent

refused to accept the Board documents and spoke to the concierge and stated "you know how to handle this situation". The concierge stated that since Respondent authorized him to sign for the documents he could accept them on her behalf. Investigator Amaya then left the Order to Show Cause and Verified Complaint with the concierge who signed for them. DAG DeLisi advised the Board at the hearing that she also sent the Order to Show Cause and Verified Complaint via Express Mail on September 5, 2018, to Respondent's address of record, which was delivered on the same date.

Upon motion the Board President determined that the Attorney General had demonstrated that adequate service on Respondent had been made. The Board found the efforts at service sufficient to place Respondent on notice and moved forward with the hearing in Respondent's absence.

#### SUMMARY OF EVIDENCE PRESENTED

In an opening statement and in a brief submitted to the Board, the Attorney General argued that Respondent's conduct, including her continued and recent lack of compliance with her scheduled follow up appointments and psychiatric treatment plan with the PAP; Respondent's failure to appear before two separate meetings of Committees of the Board; and Respondent's failure to respond to the Board regarding a patient's complaint that raises concerns regarding Respondent's mental stability, constitute a clear and imminent



danger to the public health safety and welfare warranting the immediate temporary suspension of Respondent's license to practice medicine and surgery in the State of New Jersey.

After making an opening statement, DAG DeLisi moved into evidence documentary proofs in support of the application for temporary suspension of Respondent's license. Specifically, the following documents were moved and entered into evidence:

P-A: The PAP's Letter of Agreement signed by Anindita Nandi, M.D., on December 21, 2015 (attached to certification of Linda Pleva, Director of Administration of the PAP, dated August 28, 2018).

P-B: Patient T.H.'s complaint filed with the Board on March 26, 2018, stating that she believed that Dr. Nandi is unstable.

P-C: A letter dated May 24, 2018, from the Board to Dr. Nandi requesting Dr. Nandi respond to the allegations in patient, T.H.'s complaint. A second letter from the Board to Dr. Nandi dated July 25, 2018, which states that Dr. Nandi failed to respond to the May 24, 2018 letter and must respond to patient, T.H.'s complaint by August 10, 2018, or she will be scheduled for a Preliminary Evaluation Committee (PEC) to discuss the complaint and her failure to cooperate with the Board.

P-D: A letter dated May 15, 2018, from Dr. Louis E. Baxter, Executive Medical Director of the PAP, to Dr. Nandi regarding her failure to keep her appointment that day and her unacceptable behavior related to her rescheduling demands. The letter further advised Dr. Nandi that she has been scheduled before the Impairment Review Committee (IRC) of the Board on June 25, 2018, for non-compliance with her PAP treatment/monitoring plan (attached to certification of Linda Pleva, Director of Administration of the PAP, dated August 28, 2018).

P-E: A letter dated June 26, 2018, from Dr. Louis E. Baxter, Executive Medical Director of the PAP, to William Roeder, Executive Medical Director of the Board, notifying the Board

of Dr. Nandi's failure to appear for her appearance before the IRC on June 25, 2018 (attached to certification of Linda Pleva, Director of Administration of the PAP, dated August 28, 2018).

P-F: A letter dated August 6, 2018, from Dr. Louis E. Baxter, Executive Medical Director of the PAP, to Delia DeLisi, DAG, stating that Dr. Nandi did not appear for her appointment on July 31, 2018, and that she emailed the PAP that morning that she was stuck in traffic and would not make her appointment (attached to certification of Linda Pleva, Director of Administration of the PAP, dated August 28, 2018).

P-G: An email dated August, 1, 2018, from Linda Pleva, Director of Administration of the PAP, answering an email from Dr. Nandi on July 31, 2018, stating that Dr. Nandi could not reschedule her missed appointment from July 31, 2018 to August 7, 2018, and that she is three months overdue for a follow up appointment (attached to certification of Linda Pleva, Director of Administration of the PAP, dated August 28, 2018).

P-H: An email and letter dated August 9, 2018, from Debra Priolo-Allen, a representative of the Board, to Dr. Nandi stating that she has been scheduled to appear before a Committee of the Board on August 22, 2018, based upon her failure to appear before the IRC on June 25, 2018, and her overall noncompliance with the PAP.

P-I: A letter dated August 16, 2018, from William Roeder, Executive Medical Director of the Board, stating that Dr. Nandi has been scheduled to appear before a Committee of the Board on August 22, 2018, based upon her failure to appear before the IRC on June 25, 2018, and her overall noncompliance with the PAP.

P-J: An email dated August 23, 2018, from Debra Priolo-Allen, a representative of the Board, to Delia DeLisi, DAG, stating that Dr. Nandi was scheduled to appear in Trenton on August 22, 2018, for a meeting with the PEC and she failed to appear and that all attempts to contact Dr. Nandi have been unanswered.

P-K: A letter dated September 10, 2018, from Dr. Louis E. Baxter, Executive Medical Director of the PAP, to Delia DeLisi, DAG, stating that Dr. Nandi appeared for an appointment with Tia Baxter, of the PAP, on September 4, 2018, and that post that appointment Dr. Baxter has definite concerns regarding Dr.

Nandi's mental status (attached to certification of Linda Pleva, Director of Administration of the PAP, dated September 11, 2018).

P-L: A statement dated September 6, 2018, from Tia Baxter, LPC, of the PAP, to DAG DeLisi, stating that Dr. Nandi appeared for an appointment on September 4, 2018, and that she is still seeing her psychiatric Nurse Practitioner, Shanda Hwang, NP, and she is not currently seeing any patients. Ms. Baxter stated that Dr. Nandi's status is poor and that based on her psychiatric disorder from 2015 and her lack of continued psychotherapy, among other factors, Dr. Nandi could be in a psychosis (attached to certification of Linda Pleva, Director of Administration of the PAP, dated September 11, 2018).

P-M: A certified statement dated September 8, 2018, from Hamsa Gangaswamaiah, M.D., stating that he is one of the owners of Newport Liberty Medical Associates, and that he worked alongside Dr. Nandi on Thursdays for approximately three years. Dr. Gangaswamaiah stated that when he saw Dr. Nandi approximately two weeks ago at the office she appeared to be ignoring reality.

P-N: A certified statement dated September 8, 2018, from Ronan Chinai, M.D., stating that he is a one of the owners of Newport Liberty Medical Associates, that he treated Dr. Nandi as a patient from approximately 2013 through March of 2018. Dr. Chinai served as her approved Board monitor for approximately nine months and he leased office space to her from 2016 through May 31, 2018. A statement dated September 8, 2018, from Swarna Mani, the office business manager, for Newport Liberty Medical Associates, stating that Dr. Nandi appeared at the office several times after her lease expired in May 2018 and that Dr. Nandi left patient records and her personal medications at the office.<sup>1</sup>

P-P: Certification of Service, dated September 7, 2018, by Investigator Oscar G. Amaya, of the Division of Consumer Affairs, Enforcement Bureau.

P-Q: Enforcement Bureau report dated September 7, 2018, prepared by Investigator, Oscar Amaya.

DAG DeLisi, in closing, after submitting the evidence above, urged that when, as here, a licensee fails to appear at two scheduled

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<sup>1</sup> P-O is an exhibit of a timeline prepared by DAG DeLisi but was not admitted into evidence.

appointments with the PAP and two scheduled Committees of the Board, fails to respond to Board inquiries including a patient complaint, and displays unstable behavior coupled with her failure to comply with the basic requirements of the Alternative Resolution Program (ARC) evidenced by her failure to comply with her PAP agreement, the Board should take swift and decisive action in the best interest of the public's health, safety and welfare. DAG DeLisi requested that Respondent's license be temporarily suspended.

#### DISCUSSION

The Board concludes that, at this stage of the proceeding, the evidence presented by the Attorney General in support of the application for the temporary suspension of Respondent's license is compelling. The exhibits entered in evidence by DAG Delisi palpably demonstrate a clear and imminent danger to the public were Respondent to continue to practice pending adjudication of the charges.

Respondent has been a participant in the PAP since December 2015 following a hospitalization for a psychiatric disorder. Respondent became an anonymous participant with the ARP in early 2016 as a result of her diagnosis. Respondent signed an agreement with the PAP on December 21, 2015, which required her to attend follow up appointments to assure the PAP and the Board that she was complying with her mental health treatment, including her regimen of psychotropic medications and psychotherapy.

On March 26, 2018, the Board received a complaint from Respondent's patient, T.H., alleging Respondent exhibited strange behavior at T.H.'s initial visit, including a twenty minute speech on the "rules" of her practice and appropriate cell phone use usage. The Board wrote to Respondent on May 24, 2018, requesting Respondent's response to T.H.'s complaint, which she did not answer. Respondent also failed to keep her May 15, 2018 appointment with the PAP which resulted in the PAP sending Respondent a letter stating she was not in compliance with her monitoring plan and was scheduled to appear before the IRC on June 25, 2018, which she also ignored. Then on June 26, 2018, the PAP provided the Executive Director of the Board with a letter stating that the PAP was referring Respondent's case to the Board for possible future action due to Respondent's failure to appear at the IRC meeting and her non-compliance with her monitoring plan. On July 25, 2018, the Board had again notified Respondent that it had yet to receive her response to patient T.H.'s complaint and was giving her until August 10, 2018, to respond or she would be scheduled to appear before a Committee of the Board.

On July 31, 2018, Respondent again failed to keep an appointment with the PAP. On August 9, 2018, the Board sent a letter to Respondent notifying her that she was scheduled to appear before the PEC on August 22, 2018, due her failure to appear before the IRC and

her non-compliance with the PAP. On August 14, 2018, Respondent showed up at the PAP and scheduled an appointment for September 4, 2018. On August 16, 2018, the Board sent another letter to Respondent advising her that she is still required to appear before a PEC on August 22, 2018, and the Committee would also like to discuss her care and treatment for patient T.H. Respondent did not respond to any of the Board's letters and failed to appear at the scheduled PEC on August 22, 2018.

When Respondent appeared at her September 4, 2018 visit with Tia Baxter, LPC, Respondent denied that she was divorced from her husband (despite previously informing Ms. Baxter at her February 27, 2018 appointment that her divorce was finalized on December 7, 2017) and refused to accept a copy of the Verified Complaint and Order to Show Cause. In addition, Ms. Baxter stated in her September 6, 2018 statement to DAG DeLisi that Dr. Nandi's status was poor and she is likely in a psychosis evidenced by her frequent missed visits, false statements in regards to being notified about her scheduled appointments, and agitated behavior. Further, Ms. Baxter stated that Respondent immediately needs to reconvene with her psychiatrist, engage in psychotherapy, and adhere to her psychotropic medication regimen. Also, Louis Baxter, M.D., Executive Director of the PAP, stated in his September 10, 2018 letter to the DAG DeLisi, that the PAP became aware of Respondent's "bizarre

behavior" after her February, 20, 2018 appointment and is not in a position to advocate for Respondent's wellness and cannot attest to her fitness to practice medicine at this time.

The Board finds that Respondent's failure to appear before two Committees of the Board; her failure to appear at the September 12, 2018 Order To Show Cause hearing before the Board; her failure to respond to patient T.H.'s complaint; her failure to respond to Board inquiries; coupled with Respondent's failure to adhere to her PAP agreement, which includes appearing for scheduled appointments, participating in scheduled psychotherapy and maintaining her psychotropic medication regimen; supports a finding that Respondent has failed to cooperate with the Board in violation of N.J.A.C. 13:45C-1.2-1.3 and N.J.S.A. 45:1-21(h). In addition, Respondent's unstable behavior as indicated in the patient complaint, Tia Baxter, LPC's September 6, 2018 statement, and Dr. Louis Baxter's September 10, 2018 letter, and her failure to comply with the basic requirements of the ARP reveals Respondent may presently be impaired in a manner that has and will likely continue to impair her ability to practice medicine and surgery with reasonable skill and safety in violation of N.J.S.A. 45:1-21(i); and Respondent's continued practice poses a clear and imminent danger to the public. Therefore, no remedial measure less than the full temporary suspension of license will suffice to protect the public interest. Respondent's license is

temporarily suspended pursuant to N.J.S.A. 45:1-22 pending final adjudication of the charges in the Complaint and further order of the Board.

ACCORDINGLY, it is on this 25th day of September, 2018,

ORDERED, as announced orally on the record and effective September 12, 2018:

1. The license of Anindita Nandi, M.D., is temporarily suspended pending final adjudication of the allegations of the Verified Complaint.

2. Dr. Nandi shall immediately cease and desist engaging in the practice of medicine and surgery in the State of New Jersey, effective September 12, 2018.

3. Dr. Nandi shall take all appropriate steps to immediately allow patients access to their medical records and/or arrange for the appropriate transfer of patient records to a health care practitioner of their choosing.

4. Prior to any application for reinstatement, Dr. Nandi shall provide the Board with a medical and psychological evaluation by a pre-approved Board licensee, detailing Dr. Nandi's fitness and competency to practice medicine; Dr. Nandi will provide the Board with a detailed report from the PAP confirming her complete compliance with the PAP; and Dr. Nandi shall appear before a Committee

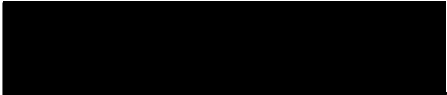


of the Board prior to her license being reinstated to prove she is fit and competent to practice medicine.

5. The annexed "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," are incorporated herein, and Respondent shall comply fully with all requirements and obligations set forth therein.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By:

  
Paul J. Carniol, M.D.  
Board President

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

**APPROVED BY THE BOARD ON AUGUST 12, 2015**

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

**1. Document Return and Agency Notification**

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

**2. Practice Cessation**

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

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

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

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

A licensee subject to the order shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice.<sup>1</sup> The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements

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This 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.

incurred on a patient's behalf prior to the effective date of the Board order.

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. 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 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.nidoctorlist.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://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 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.