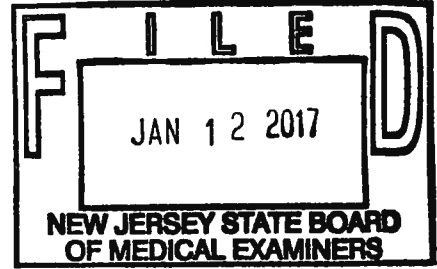


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
OAL Docket# BDS 00928-2016N

IN THE MATTER OF THE	:	
SUSPENSION OR REVOCATION OF	:	ADMINISTRATIVE ACTION
THE LICENSE OF	:	
	:	
FAROOQ REHMAN, M.D.	:	CONSENT ORDER OF
LICENSE NO. 25MA05178600	:	REVOCATION
	:	
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") upon receipt of information that Farooq Rehman, M.D. ("Respondent") was arrested and charged with criminal sexual contact in violation of N.J.S.A. 2C:14-3b. More specifically, the Board was notified that Respondent was arrested on September 22, 2015, and charged with two counts of criminal sexual contact alleging improper and inappropriate touching of a female patient, J.P., during examinations in his office.

CERTIFIED TRUE COPY

On November 2, 2015, Acting Attorney General Robert Lougy¹, based upon certain evidence compiled in the criminal investigation, filed a Verified Complaint and Order to Show Cause before the Board seeking the temporary suspension of Respondent's license. The Acting Attorney General's application for the temporary suspension of Respondent's license was heard on November 13, 2015. By Report and Order of the Board's Hearing Committee filed on November 23, 2015, and as ratified by the full Board on December 9, 2015, the Board found that Respondent's behavior with the female patient exceeded all boundaries of an appropriate neurological examination and constituted improper sexual touching of a furtive and insidious nature. Determining that Respondent's behavior posed a clear and imminent danger to the public, the Board suspended Respondent's license to practice medicine as of November 13, 2015, pending the results of a plenary hearing.

On November 24, 2015, subsequent to the date of the temporary suspension hearing, Respondent was again arrested and charged with two counts of criminal sexual contact in violation of N.J.S.A. 2C:14-3b, as to a second patient victim, M.S.

On June 8, 2016, Respondent pled guilty to one Count of Criminal Sexual Contact with regard to patient J.P. in violation

¹ This action was originally commenced by former Acting Attorney General Robert Lougy. In accordance with R. 4.34-4, the caption has been revised to reflect the current Attorney General, Christopher S. Porrino.

of N.J.S.A. 2C:14-3b and one Count of Harassment with regard to patient M.S in violation of N.J.S.A. 2C:33-4. On August 31, 2016, Respondent was sentenced to Probation for a period of one year.

The allegations of the Verified Complaint, as may have been amended with the allegations concerning the second patient victim, if proven, would demonstrate that Respondent engaged in gross and repeated acts of negligence, professional misconduct, sexual misconduct and acts constituting crimes of moral turpitude and crimes which relate adversely to the practice of medicine, in violation of N.J.S.A. 45:1-21 (c), (d), (e), (f) and (h), specifically N.J.A.C. 13:35-6.3.

The parties being desirous of resolving this matter without the necessity of further proceedings and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same and has availed himself of the advice of counsel, and it further appearing that Respondent wishes to enter into an agreement without making admissions, and the Board finding the within disposition adequately protective of the public health, safety, and welfare;

IT IS THEREFORE ON THIS 12th DAY OF January 2017

ORDERED:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby revoked.

2. Respondent shall immediately return his original New Jersey medical license and CDS registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

3. Respondent may not apply for or obtain a license to practice medicine or surgery in the State of New Jersey until five (5) years has elapsed from November 13, 2015, the effective date of his temporary suspension. No reapplication shall be granted until Respondent has completed and discharged all terms of his criminal sentencing.

4. No credit shall be given toward the period of revocation for any length of time Respondent practices medicine or surgery in another jurisdiction or State.

5. Prior to the Board's consideration of any application for licensure, Respondent shall:

a. Take and successfully complete, at his own expense, an ethics course and a boundaries course, which courses shall be approved in advance by the Board. "Successful completion" means that all sessions were attended, all assignments were properly and appropriately completed, and a passing grade was achieved which was unconditional and without reservations. Respondent shall not use any credits obtained through the courses towards the fulfillment of his biennial continuing medical education requirement.

b. Undergo a Board approved psycho-sexual evaluation and follow through to completion all recommendations for treatment, if any, made therein. Respondent shall provide

any and all releases to any parties participating in the evaluation or follow up treatment as may be required in order that all reports, records and pertinent information may be provided to the Board in a timely manner. Respondent shall be solely responsible for any and all costs and expenses associated with the above evaluation and/or follow-up treatment.

c. Appear before the Board or a committee thereof to discuss his readiness to reenter the practice of medicine. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction. At this appearance the burden shall be on Respondent to demonstrate fitness and competency. The Board reserves the right to impose such conditions and restrictions as it deems appropriate should any application by Respondent for licensure be granted.

6. Respondent shall pay costs totaling \$35,738, which represent the Board's costs, including investigation costs and costs of transcripts, and attorney fees.

7. Respondent shall pay fines and penalties totaling \$10,000.00.

8. A Certificate of Debt reflecting the \$45,738 currently due and owing shall be filed pursuant to N.J.S.A. 45:1-24 to protect the judgment. In addition, but not in lieu of the filing of the Certificate of Debt, the Board will allow the costs and penalties to be paid in equal monthly installments of \$952.88 through February 1, 2020. Each payment shall be due on the first business day of each month, commencing on February 1, 2017. In the event that a monthly payment is not received within five days of its due date, the entire balance shall become due and owing. Respondent may prepay at any time.

Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11. All payments shall be made by certified bank check, certified check, wire transfer or money order, payable to the State of New Jersey and forwarded to the attention of William Roeder, Executive Director, Board of Medical Examiners, 140 East Front Street, 2nd floor, Trenton, New Jersey 08608. Any payment in a form other than those noted in this Paragraph will be rejected and returned to the sender.

9. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Within ten days of the filing of this Consent Order, Respondent is to notify William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 as to where his patient records are secured, and how patients may obtain them.

10. Respondent shall cease and desist all patient contact at any location for the rendering of medical care, including the issuance of any prescriptions for, or dispensation of, medications of any kind, including but not limited to Controlled Dangerous Substances. Respondent shall not enter the premises of his former medical practice during business hours when patients may be present.

11. Respondent shall not charge, receive or share in any fee for professional services rendered by others. Respondent

shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to the date of the temporary suspension of his medical license, specifically November 13, 2015.

12. Respondent shall comply with the Directives Applicable To Any Medical Board Licensee Who Is Disciplined, which are attached hereto as Exhibit 1 and incorporated by reference. In particular, as to Paragraph 3, Respondent is advised that the definition of the term "divestiture in equity in professional service corporations and limited liability companies" shall include not only the divestiture of financial interests but also the relinquishment of dominion and control in such professional service corporations and limited liability companies.

13. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities in the State of New Jersey until such time that all terms of the within Consent Order have been met.

14. The parties hereby stipulate that entry of this Order is without prejudice to further action of matters unknown at this time, by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

15. This Consent Order shall be a final disposition of the Verified Administrative Complaint filed in this matter and docketed by the Office of Administrative Law as BDS 00928-2016N. The Board shall retain jurisdiction to enforce the terms of this Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 

George J. Scott, D.O.
President

I have read and understood the within Order and agree to be bound by its terms.


Farooq Rehman, M.D.

Date

1/5/17

Consent is hereby given as to the form and entry of this Order.

By: 

Michael Critchley, Esq.
Amy Luria, Esq.
Critchley, Kinum & DeNoia, LLC
Attorneys for Respondent

Date

1/5/17

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

APPROVED BY THE BOARD ON AUGUST 12, 2015

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

1. Document Return and Agency Notification

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

2. Practice Cessation

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

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

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

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

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

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

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

4. Medical Records

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

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

5. Probation/Monitoring Conditions

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

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

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

6. Payment of Civil and Criminal Penalties and Costs.

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

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

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS

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

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

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

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

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

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

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

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

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