

FILED

JUNE 10, 2021

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF LAW
STATE BOARD OF MEDICAL EXAMINERS
OAL DOCKET NO.: BDS-03398-18

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

**EVANGELOS MEGARIOTIS, M.D.
LICENSE NO. 25MA03628500**

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon the Attorney General filing a nine count Verified Complaint ("Complaint") and an Order to Show Cause on January 23, 2018, ordering Respondent, Evangelos Megariotis, M.D., to appear before the Board and show cause why an Order temporarily suspending, or otherwise conditioning or limiting his license, should not be entered by the Board. This action was based upon a sample of Respondent's patient population, specifically his treatment of nine patients, each of whom he

treated for orthopedic complaints, as well as other complaints, such as chronic pain and Post Traumatic Stress Disorder, for periods spanning multiple months or years.¹

In each case it is alleged that Respondent deviated from the standard of care in prescribing Controlled Dangerous Substances (“CDS”), without properly diagnosing and/or treating his patients’ underlying medical conditions, and in violation of multiple provisions of the Uniform Enforcement Act, including: N.J.S.A. 45:1-21(c) (engaging in gross negligence); N.J.S.A. 45:1-21(d) (engaging in repeated acts of negligence); N.J.S.A. 45:1-21(e) (engaging in professional or occupational misconduct); N.J.S.A. 45:1-21(h) (failing to comply with regulations administered by the Board, including those related to CDS prescribing at N.J.A.C. 13:35-7.1A, N.J.A.C. 13:35-7.6, and N.J.A.C. 13:45A-35.9(a)); and N.J.S.A. 45:1-21(m) (engaging in indiscriminate prescribing). Respondent denied the charges and filed papers supporting his care of the patients.

On February 14, 2018, the Board and Respondent, over the Attorney General’s objection, entered into an Interim Order Imposing Limitations on Practice for his New Jersey medical license. That Order prohibited Respondent from prescribing, dispensing and/or administering any and all CDS to all patients pending the completion of plenary proceedings in this matter and/or further order of the Board. In addition, Respondent was ordered to practice only in the presence of a Board-approved monitor and submit to a comprehensive assessment of his practice skills.²

After Respondent filed an Answer to the Complaint denying the Attorney General’s allegations, this contested matter was transmitted to the Office of Administrative Law (“OAL”) and assigned Docket Number BDS-03398-18. A hearing before the Hon. Elissa Mizzone Testa,

¹ On September 4, 2018, the Attorney General filed a “First Amended Verified Complaint” adding a tenth count alleging Respondent’s failure to review Prescription Monitoring Program data, on a quarterly basis, for three patients to whom he was prescribing Schedule II opioid pain medication, pursuant to N.J.A.C. 13:45A-35.9(a).

² The Board filed an Amended Interim Order on July 27, 2018, and a Supplemental Order Modifying Conditions and Limitations on Practice on January 9, 2019. Respondent voluntarily closed his office on December 31, 2018.

ALJ occurred between ten days from January 17, 2019 to May 17, 2019. At the hearing, Respondent testified, explaining in detail his care of the patients, and both he and the Attorney General called expert witnesses to testify. Prior to ALJ Mizzone Testa's decision, Respondent and Complainant entered into discussions resulting in a complete resolution of this action by the settlement embodied in this Final Consent Order.

If these allegations were to be proven at the conclusion of this formal proceeding, there would be grounds for disciplinary action against Respondent's license to practice medicine and surgery in this State pursuant to N.J.S.A. 45:1-21(c), (d), (e), (h), and (m). Notwithstanding the aforementioned allegations, Respondent denies that he engaged in any inappropriate conduct and/or wrongdoing.

The parties being desirous of resolving this matter without the necessity of further formal proceedings, and it appearing that Respondent has read the terms of the within Final Consent Order and understands their meaning and effect and for personal reasons has decided to consent to be bound by same and has availed himself of the advice of counsel, and the Board finding that the within Final Consent Order is consistent with the public health, safety and welfare, and that good cause exists to support entry of the within Final Consent Order;

IT IS, therefore, on this 10th day of June, 2021.

ORDERED AND AGREED THAT:

1. Respondent, Evangelos Megariotis, M.D., shall immediately retire his license to practice medicine and surgery in the State of New Jersey, with such retirement to be deemed a permanent revocation, and Respondent agrees that he shall not re-apply for his license to practice medicine and surgery in the State of New Jersey at any future time.

2. In accordance with Board procedure, within ten days of the filing of this Final

Consent Order, Respondent shall immediately return his original New Jersey medical license and CDS registration to the Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.

3. Promptly after the filing of this Final Consent Order, Respondent shall notify the Drug Enforcement Administration of the within Order and provide proof of such notification to the Board.

4. Respondent shall immediately send all of his remaining prescription blanks, if any, along with a cover memorandum indicating that he will no longer be writing prescriptions and asking that his remaining prescription blanks be destroyed pursuant to standard operating procedures, to Dana Pulizzano, Acting Executive Officer, Division of Consumer Affairs Drug Control Unit, P.O. Box 45045, Newark, New Jersey, 07101.

5. Recognizing that Respondent has closed his medical office, in an abundance of caution and for purposes of clarity, Respondent agrees that he shall not enter the premises of his former medical practice during business hours when patients may be present.

6. Because the Board deems such activity as the practice of medicine, Respondent shall be precluded from managing, overseeing or influencing the practice of medicine or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey.

7. Respondent shall continue to cease and desist all patient contact at any location and/or the rendering of medical care, including the issuance of any prescriptions for, or dispensation of, medications of any kind, including, but not limited to, CDS, provided that Respondent shall be permitted to communicate with former patients to provide them with their medical records, and to respond to any individual seeking his medical advice that he has retired from the practice of medicine.

8. Respondent shall not charge, receive or share in any fee for professional services rendered by others. However, Respondent shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to the entry of this Final Consent Order.

9. Respondent shall divest himself from any current and future financial interest in, or benefit derived from, the practice of medicine, except to the limited extent necessary to collect accounts receivable as permitted by Paragraph 8 herein.

10. Within ten days of the filing of this Final Consent Order, Respondent shall notify the 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, in accordance with N.J.A.C. 13:35-6.5(h).

11. Respondent is assessed costs in the amount of \$48,000, pursuant to N.J.S.A. 45:1-25. Respondent shall abide by the following payment plan, which shall not exceed 48 months: Respondent shall pay \$1,000 on July 1, 2021, or the first business day of the month that immediately follows the date this Final Consent Order is filed; and thereafter he shall pay \$1,000 in consecutive monthly installments, over the remaining 47 months of the payment plan period, with each subsequent \$1,000 payment due on the first business day of each month until the outstanding balance is satisfied. Respondent may prepay at any time. Interest shall apply to any financial assessments assessed due to untimely payments and shall accrue in accordance with Rule of Court 4:42-11.

12. Respondent shall make payment of the costs described in Paragraph Eleven by money order, bank or certified check, credit card, or wire transfer, made payable to the "State of New Jersey", and sent to the Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183. Any payment in a form other than

those noted in this Paragraph will be rejected and returned to the Respondent. Failure to make timely payment in accordance with this Final Consent Order shall result in the filing of a Certificate of Debt, pursuant to N.J.S.A. 45:1-24, for the total amount due and owing at the time the Certificate of Debt is filed.

13. Entry of this Final Consent Order is without prejudice to further action or investigation by this Board or any other professional board in the State of New Jersey, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs, and/or any other law enforcement entities resulting from Respondent's conduct prior or subsequent to the entry of this Final Consent Order. It is intended by the parties that this Order shall resolve all administrative and license issues with Respondent that were specifically alleged as violations by the Attorney General in the Complaint. The Board currently has no other pending investigations or other matters before it pertaining to Respondent.

14. The parties further stipulate that entry into this Final Consent Order is without admission of any kind by Respondent to the charges referenced herein, and that all defenses Respondent has asserted or may assert to the State's charges and/or allegations made by any third party relating to the State's charges are preserved for any further legal proceeding.

15. Respondent shall fully comply with the attached Directives Applicable To Any Medical Board Licensee Who Is Disciplined Or Whose Surrender Of Licensure Or Cessation Of Practice Has Been Ordered Or Agreed Upon, which is incorporated herein by reference.

16. This Final Consent Order shall be a full and final disposition of the Complaint by the Attorney General referenced herein and Administrative Action docketed in the OAL as BDS-03398-18.

17. Respondent's failure to comply with any provision of this Final Consent Order may

result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

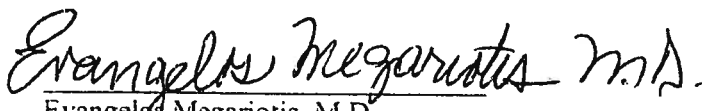
The Board shall retain jurisdiction to enforce the terms of this Final Consent Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

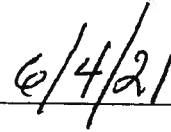

By **METZGER, Scott E., M.D.**

Scott E. Metzger, M.D.
Board President

I have read and understand the foregoing
Final Consent Order and agree to be bound
by its terms. I understand that this Order
has serious legal import and I agree to enter
into this agreement.


Evangelos Megariotis, M.D.

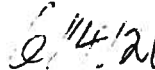
Date:



Consent as to entry and form only:


Michael S. Kaschoff, Esq.

Date:



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~~ *→ Except permitted receivables as set forth in Paragraphs 1/11/18* 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.

¹ 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.

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 month period.)

18 months as per
Paragraph 11
TK

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.