

**State Board of Medical Examiners  
Open Disciplinary Minutes  
September 26, 2007**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, September 26, 2007 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 Ms. Karen Criss, Chairperson for Open Disciplinary matters.

**PRESENT**

Board Members Cheema, Ciechanowski, Criscito, Criss, DeGregorio, Jordan, Lambert, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Scott, Stanley, Walsh, Wheeler and Weiss.

**EXCUSED**

Board Members, Clemency-Kohler, Haddad, Salas-Lopez, and Strand.

**ALSO PRESENT**

Senior Deputy Attorney General Dick, Deputy Attorneys General Flanzman, Jespersen, Ehrenkrantz, Levine and Warhaftig; Executive Director Roeder and Medical Director Blanks.

**RATIFICATION OF MINUTES**

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MINUTES FROM THE AUGUST 8, 2007 BOARD MEETING AS SUBMITTED.**

**HEARINGS, PLEAS, RETURN DATES, APPEARANCES**

None Scheduled

**NEW BUSINESS**

None Scheduled

**OLD BUSINESS**

1. PRINTZ, Bruce D.O. 25 MB04079100

By way of background, on March 24, 2004, Dr. Printz's license was temporarily suspended following a hearing at which the Attorney General presented evidence of his sexual misconduct with three female patients. Dr. Printz subsequently entered into a Consent Order filed on July 12, 2004 by which he surrendered his license to be deemed a revocation following his conviction for three petty disorderly persons offenses of harassment by offensive communication and/or touching in violation of N.J.S.A. 2C:33-4a and 4b. Dr. Printz requested that his license be reinstated. After some discussion, the Board made the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SCHEDULE DR. PRINTZ' APPEARANCE BEFORE A PRELIMINARY EVALUATION COMMITTEE TO DISCUSS HIS APPLICATION FOR REINSTATEMENT.**

2. BROWNSTEIN, Steven, MD 25MA03517900

Chairperson Criss reminded the Board that this issue was before the Board to accept or reject the terms of the Consent Order which if accepted would settle the case. After a brief discussion the Board decided the following:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR ADVICE OF COUNSEL AND DISCUSSIONS OF SETTLEMENT TERMS.**

All parties, except counseling and administrative staff, left the room.

Returning to Open Session, the Board announced the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE TERMS OF THE CONSENT ORDER.**

Dr. Lomazow, Ms. DeGregorio and Mr. Wheeler voted in opposition.

**SISTER-STATE MATTERS - NOTICE OF APPEAL OF FINAL ORDER OF DISCIPLINE("FOD")**

**3. VUYURU, Lokesh M.D. 25MA0548800**

ALBERTSON, B. Michelle, D.A.G.

This matter was opened to the Board upon receipt of information that on or about May 19, 2006 the Virginia Board entered into an Order revoking Dr. Vuyurufs medical license. On August 17, 2006, the New Jersey Board filed a Provisional Order of Discipline ("POD") revoking Dr. Vuyurufs medical license. On or about September 26, 2006, Respondent submitted a response to the Board requesting a modification to the "POD". Dr. Vuyurufs submissions were reviewed by the New Jersey Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Dr. Vuyurufs license was revoked on June 22, 2007. However, Dr. Vuyuru believed the Board had no jurisdiction to revoke his license and that he should be entitled to a Fanelli hearing. The Board was asked to advise whether a Fanelli hearing should be granted. Upon consideration, the Board announced the following:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GRANT DR. VUYURU A FANELLI HEARING.**

**4. Leonard Joachim, M.D. 25MA04752700**

The Board's Final Order provided that the Board holds open the record in the matter for consideration of respondent's written response to the Attorney General's cost application. The Board determined to consider the matter on the papers unless respondent advanced reasons that in the opinion of the Board demonstrated a need for an appearance. The Board in its Final Order expressly reserved on making a decision with respect to the imposition of a penalty pending its consideration of the cost application.

The Board has now considered the submissions of the parties regarding the cost application, the initial decision of the Administrative Law Judge, and a recommendation of a committee of the Board charged with review of the cost application. The Board made the following motion:

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DECLINE RESPONDENT'S REQUEST FOR AN ORAL HEARING ON THE COST APPLICATION AS IT FOUND NOTHING WARRANTED SUCH A HEARING.**

**THE BOARD, AFTER CAREFUL REVIEW OF THE STATE'S COST APPLICATION AND THE PARTIES SUBMISSIONS, UPON MOTION MADE AND SECONDED,**

**VOTED TO REDUCE THE COSTS SOUGHT BY THE STATE IN FIVE AREAS: THE ETHICS MEMO (46.7), DUPLICATIVE ATTORNEY FEES RESULTING FROM PERSONAL ISSUES(45), ONE TRIAL BRIEF(58), UNSPECIFIED CHARGES ATTRIBUTED TO A PARALEGAL(42.5), AND GENERALIZED TRIAL PREP(70). THEREFORE, THE 825 HOURS SOUGHT BY THE ATTORNEY GENERAL WERE REDUCED TO 565 HOURS.**

**THE BOARD ALSO CONSIDERED MODIFICATION OF THE ADMINISTRATIVE LAW JUDGE OPINION TO IMPOSE A CIVIL PENALTY OF \$20,000 REFLECTING RESPONDENT'S STATUS AS A 2ND OFFENDER AND UPON MOTION MADE AND SECONDED, THE BOARD VOTED TO DENY ANY MODIFICATION.**

**5. Alan G. Kelsey, M.D., 25MA03789800**

D.A.G. Warhaftig informed the Board of recent allegations that Dr. Kelsey engaged in harassment and inappropriate verbal and physical sexual contact with the monitor assigned to his practice. Dr. Kelsey did not admit that he engaged in any inappropriate sexual contact. D.A.G. Warhaftig presented to the Board a Supplemental Consent Order which amended the probation currently in place, and pursuant to the Consent Order filed on March 23, 2007. The Deputy said that the Consent Order stayed the suspension and probation, but the Supplemental Consent Order adjusted the terms of the probation as it provided that Dr. Kelsey treat only male patients. The Supplemental Consent Order also put in place a series of restrictions on the monitor for his practice and the approval process of that monitor.

D.A.G. Warhaftig further informed the Board that Dr. Kelsey's counsel had one week from the entry of the Order to put forward a Chaperone proposal, to be negotiated with the oversight of the Educational Director, Dr. Blanks and subject to the Board's approval. The Supplemental Consent Order also provided for payment of investigative costs and fees with regard to the investigation that gave rise to the amendment of the Consent Order.

**THE BOARD UPON MOTION MADE AND SECONDED, VOTED TO MODIFY THE CONSENT ORDER TO REQUIRE THAT DOCTOR KELSEY ONLY TREAT MALE PATIENTS AND THERE WILL BE A CHAPERONE WHENEVER HE COMES IN CONTACT WITH FEMALES WHEN HE IS TREATING MALE PATIENTS. DOCTOR KELSEY WILL PAY \$6000 IN COSTS AND \$13,000 IN ATTORNEY'S FEES AND WILL BE BOUND UNTIL JANUARY 2010 AT WHICH TIME DOCTOR KELSEY MUST SHOW THAT HE IS CAPABLE TO RETURN TO PRACTICE BEFORE A PRELIMINARY EVALUATION COMMITTEE.**

**6. Raymond Russomanno, M.D., MA28917**

Drs. Lomazow and Criscito recused from discussion and vote in this matter.

D.A.G. Warhaftig reported to the Board that the Division was informed that Dr. Russomanno, a 64 year old Internist, was arrested on two occasions in August 2007 and charged with in 23 counts of sexual harassment and inappropriate sexual contact with patients. Those incidents took place in his examination room over a number of years on women ranging from their late thirties to early forties. D.A.G. Warhaftig said his behavior effectuates immediate suspension of his medical license. She said he was arrested about six weeks ago, and he voluntarily stopped practicing upon the second criminal charge being made known. Dr. Russomanno signed an Order of Temporary Suspension which was transmitted to her via fax, without any admissions of guilt. Pursuant to the Consent Order being filed, he would only be publicly temporarily suspended and he surrendered his prescribing privileges. Dr. Russomanno denied the underlying allegations. The suspension would remain in place until further order of the Board. Dr. Citarelli was currently treating his patients. D.A.G. Warhaftig sought the approval of a Consent Order effective immediately. The Board announced the following motion:

**THE BOARD UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT THE VOLUNTARY TEMPORARY SUSPENSION OF DOCTOR RUSSOMANOF'S LICENSE.**

**7. Ming C. Tung, D.P.M., MD1237**

Dr. Criscito recused from vote and discussion in the matter.

D.A.G. Warhaftig informed the Board of a Consent Order for execution by the Board's Vice President. Dr. Tung admitted that he knowingly and wilfully executed and attempted to execute a scheme to defraud the Medicare Program. Dr. Tung surrendered his prescribing privileges and a Final Order of Revocation was entered against his license.

**THE BOARD UPON MOTION MADE AND SECONDED, VOTED TO ACCEPT THE ORDER OF REVOCATION.**

Respectfully Submitted,

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Karen Criss, R.N., C.N.M., Chairperson

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