



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL  
**Final Report**  
**October 29, 2008**

**Doctor Failed to Report Reprimand**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Charles Hodge, M.D., while Chairman of the Neurosurgery Department at Upstate Medical University in Syracuse, failed to make required notification to the hospital that he had been reprimanded by the New York State Department of Health's Office of Professional Medical Conduct and the American Board of Neurological Surgery. The reprimands were for Hodge's actions in arranging for a neurosurgery resident under his supervision to take a practice written neurosurgical examination administered by the National Board of Medical Examiners under another physician's name.

The Inspector General forwarded this information to Upstate Medical University for its review and for whatever action it deems appropriate.

ALLEGATIONS

In July 2007, the Inspector General received information indicating that Hodge directed a neurosurgical resident under his supervision at Upstate Medical University to take a written neurosurgical examination required for national board certification under another physician's name. The Inspector General also learned that Hodge's alleged actions were the subject of investigations by the New York State Department of Health's Office of Professional Medical Conduct and the American Board of Neurological Surgery.

SUMMARY OF INVESTIGATION

**Background**

Upstate Medical University is an academic medical center operated by the State University of New York in Syracuse. Charles Hodge, M.D., served as Chairman of the University's Department of Neurosurgery from 1988 to April 2007. Currently, he is a professor in the department and a hospital staff surgeon. As chairman, Hodge's duties included training residents in the university's seven-year neurosurgery residency program.

To obtain certification as a neurosurgeon, residents must pass a written examination of the American Board of Neurological Surgery (ABNS). The examination is conducted by the National Board of Medical Examiners (NBME) and given annually at various sites throughout the United States. Chairs of neurosurgical departments typically serve as examination proctors.

Hodge told the Inspector General that as part of the Upstate Medical University neurosurgery training program, he requires residents to take the written examination for self- assessment purposes in every year of their residency, even if they have already passed the examination for credit, until they score in the 75<sup>th</sup> percentile or better.

### **The Written Examination Incident**

Consistent with his requirement for residents he trained at Upstate Medical University, Hodge directed Murali Raju, M.D, a fifth-year neurosurgery resident, to take the board examination for self-assessment purposes on March 19, 2005. Earlier in his residency, Raju had passed the examination for credit. At the time of the March 2005 examination, however, Raju was doing a three-month rotation at Children's Hospital in Boston and was not registered for the test.

In an effort to arrange for Raju to take the examination, Hodge contacted Arthur Day, M.D., Chairman of Neurosurgery at Brigham and Women's Hospital in Boston, who was to proctor the examination. Day advised Hodge that one of his residents at Brigham and Women's Hospital, Chima Ohaegbulam, M.D., who also had previously passed the examination for credit, was registered for the test but would not be taking it. Day and Hodge agreed that Raju, although not listed on the examination attendance roster, would be allowed to sit for the examination under Ohaegbulam's name. Consequently, Raju took the examination, signing in as Ohaegbulam. Hodge and Day told the Inspector General that because both Raju and Ohaegbulam previously had passed the test for credit, at the time they did not see a problem with Raju taking the test for practice in Ohaegbulam's name. However, both Hodge and Day stated that in hindsight they recognized that it was probably not the correct thing to do.

It should be noted that the NBME provides proctors with manuals for the administration of the examination, which includes instructions for handling irregular incidents. These instructions state that if a proctor encounters a problem for which the manual provides no solution (as was the case in this matter), the proctor should immediately contact the ABNS or NBME for assistance. Neither Hodge nor Day sought assistance from either the ABNS or NBME in this instance.

Prior to this matter coming to the attention of the Inspector General, a complaint about Hodge's actions was filed with the New York State Department of Health's Office of Professional Medical Conduct (OPMC). OPMC is the state office with primary responsibility to investigate complaints of misconduct against physicians licensed in New York. Hodge himself reported the matter to the ABNS. OPMC reprimanded Hodge and

the ABNS reprimanded both Hodge and Day. (Day is not subject to OPMC jurisdiction because he is not licensed to practice medicine in New York State.)

### **Hodge's Failure to Disclose Reprimands to Upstate Medical University**

Upstate Medical University has promulgated bylaws governing medical staff membership. Section 3 of the bylaws ("Conditions and Duration of Appointment") contains the following requirement:

All members of the medical staff must immediately report to the Medical Staff Office:

- Any pending professional medical, dental or podiatric misconduct proceedings
- Any pending medical malpractice actions in this state or another state,
- The substance of the allegations and findings in such proceedings or actions,
- Any additional information concerning such proceedings or actions as the physician, dentist or podiatrist may deem appropriate.
- Any discontinuation of association, employment, privilege or practice and the reasons for its discontinuation.

As noted, a complaint relating to Hodge's actions in arranging for Raju to take the March 19, 2005 examination under another resident's name was filed with OPMC. On June 9, 2006 OPMC opened an investigation on Hodge and interviewed him on April 3, 2007. On May 10, 2007 Hodge submitted a written statement to OPMC offering a rationale for his actions. OPMC issued a letter of reprimand to Hodge dated August 15, 2007.

OPMC did not make public its reprimand of Hodge, nor did it report the reprimand to Upstate Medical University. David Epting, the OPMC Assistant Director of Investigations, advised the Inspector General that OPMC's practice is to report publicly and to a physician's employer and other interested parties a finding that may negatively affect the physician's license to practice medicine. According to Epting, because OPMC's letter of reprimand to Hodge constituted what OPMC considered a minor violation, it was not reported to Upstate Medical University or others.

On November 30, 2005 Hodge wrote to ABNS about the examination incident, explaining the basis for his actions and accepting responsibility. The ABNS issued a letter of reprimand to Hodge dated February 6, 2006, but similar to OPMC, did not make the reprimand public nor inform Upstate Medical University. (The ABNS also reprimanded Day.)

Phillip Schaengold, Senior Vice President for Hospital Affairs and Chief Executive Officer of Upstate Medical University Hospital, advised the Inspector General

that Hodge, pursuant to the by-laws, was required to report to the Medical Staff Office the letters of reprimand issued to him as a result of the OPMC and ABNS investigations. The Inspector General found that Hodge did report on his 2008-2009 Medical Staff Reappointment Application dated July 17, 2007 that he was then under investigation by OPMC, although he made no mention of the ABNS inquiry. In the application, Hodge described the OPMC investigation as follows: "As a result of a complaint by a former unhappy partner, I am being currently investigated by the OPMC for matters related to a resident examination." However, Schaengold and other senior executive personnel of Upstate Medical University advised the Inspector General that Hodge did not report either the OPMC or ABNS letter of reprimand.

## FINDINGS AND RECOMMENDATIONS

The Inspector General found that Charles Hodge, M.D. a member of the neurosurgery department at Upstate Medical University Hospital, failed to make required notification to the hospital that he had been reprimanded by the New York State Department of Health's Office of Professional Medical Conduct and the American Board of Neurological Surgery. The reprimands were for Hodge's actions in arranging for a neurosurgery resident under his supervision to take a practice written neurosurgical examination administered by the National Board of Medical Examiners under another physician's name.

The Inspector General forwarded this information to Upstate Medical University for its review and for whatever action it deemed appropriate. Although the Inspector General does not have jurisdiction in Massachusetts, a copy of this report has also been forwarded to Brigham and Women's Hospital, so that it may be advised of the involvement of Dr. Arthur Day in the matter.

By letter dated October 16, 2008, Upstate Medical University Hospital advised the Inspector General that it will "fully review and investigate the matter and take all appropriate action."