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FILED

March 12, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE
LICENSE OF

ASHUTOSH VIRMANI, M.D.
License No. MA48523

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Medical Examiners (Board) upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Ashutosh Virmani, M.D., License No. MA48523, is a physician licensed in the State of New Jersey and has been licensed at all times relevant hereto.
2. On or about December 29, 2005, the North Carolina Medical Board (North Carolina Board) filed a Consent Order reprimanding Respondent for engaging in unprofessional conduct within the

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meaning of N.C. Gen. Stat. §90-14(a)(6), by issuing pre-signed prescriptions. Pursuant to the Consent Order, Respondent admitted and the North Carolina Board found that between approximately March 2004 and August 2004, while acting as an independent contractor at a clinic, Respondent pre-signed prescriptions which were prepared by the clinic's staff to be dispensed during the day to patients, per clinic protocol. The prescriptions were filled out with the names of the medications and dosage amount but not the patients' names. Respondent admitted that he did not write the prescriptions for particular patients and relied upon the clinic's staff to appropriately complete the prescriptions for medications that he had previously authorized for existing patients. Respondent further admitted and the North Carolina Board found that, without Respondent's knowledge, a member of the clinic's office staff obtained several pre-signed prescriptions and used the prescriptions to obtain medication for non-patients.

CONCLUSION OF LAW

1. The above disciplinary action taken by the sister state of North Carolina provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that Respondent has engaged in professional misconduct.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline (POD) "reprimanding" Respondent was entered on May 16, 2006 and a copy served on Respondent. The POD was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

In response to the POD, Respondent submitted written correspondence dated August 2, 2006, for the Board's review. In his correspondence Respondent requested that the Board dismiss the POD or alternatively, modify the POD to reflect Respondent's assertions that the pre-signing of prescriptions is commonplace in women's health clinics; the pre-signing procedure was a required protocol of the clinic in which he worked as an independent contractor; he was obligated to follow this owner established protocol; and the North Carolina Board never defined pre-signing of prescriptions, thus making it unclear to Respondent that he was in violation of any North Carolina directives.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and

that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the Findings of Fact or Conclusions of Law.

ACCORDINGLY, IT IS on this 12th day of March, 2007,
ORDERED THAT:

1. Respondent shall be and is hereby reprimanded by the New Jersey State Board of Medical Examiners.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

Sindy M. Paul, MD, MPH

By:

Sindy Paul, M.D.
Board President