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FILED
November 26, 2008
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

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

<u>IN THE MATTER OF THE LICENSE</u>	:	
	:	
Lalitkumar Mehta, M.D.	:	Administrative Action
	:	
TO PRACTICE MEDICINE AND	:	AMENDED CONSENT ORDER
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 Lalitkumar Mehta, M.D. (Respondent), was on February 18, 2004, indicted in Hudson County on two counts of fourth-degree criminal sexual contact committed against two female patients, M.M. and J.N. On February 25, 2004, based upon the facts underlying the criminal indictment in Hudson County, the Attorney General filed a two-count administrative complaint seeking the temporary suspension of Respondent's license to practice medicine.

The administrative complaint seeking temporary suspension of licensure alleged that Respondent violated the Board's statutes and regulations by his offensive and sexual touching, hugging, and

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kissing of two female patients during the course of purported medical examinations.

Regarding patient M.M., it was alleged that on February 27, 2003, in the course of a physical examination, Respondent cupped and squeezed M.M.'s breasts for a prolonged period of time, placed his hands on her buttocks, inserted his fingers in her labia and vagina, and kissed her on her mouth, inserting his tongue.

Regarding Patient J.N., who presented to Respondent for a follow-up visit on April 23, 2003, after treatment for a urinary tract infection, it was alleged that in the course of the April 23, 2003 examination, Respondent placed his hands on J.N.'s anus and buttocks and in her labia; repeatedly inserted his fingers in her vagina; and repeatedly commented on the cleanliness of her vagina. Respondent also allegedly hugged J.N. three (3) times in the course of the examination and kissed her on the mouth.

On March 24, 2004, based on the evidence that was presented to the Board, including certifications from both M.M. and J.N. and from a fresh complaint witness, the Board temporarily suspended Dr. Mehta's license to practice medicine.

In September 2004, Dr. Mehta's application to enroll in the Pre-Trial Intervention Program (PTI) was approved by the Prosecutor's Office in Hudson County.

On June 2, 2005, the Board and Respondent entered into a Consent Order, the terms of which included the following: a two-year suspension of Respondent's license retroactive to March 24,

2004, the first eighteen (18) months active and the remaining six (6) months stayed and served as probation; Respondent's payment of the Board's legal and investigative costs in the amount of \$13,169.75 and a civil penalty in the amount of \$10,000.00, for a total of 23,169.75; on his return to active status, supervision of Respondent by another medical practitioner, chaperoning of Respondent during any examination of any patient, and the exclusion of obstetrics and gynecology from Respondent's medical practice; Respondent's completion of a Board-approved medical ethics course; and Respondent's submission to the Medical Director for review by the Board of the psychological report prepared on Respondent's behalf by Philip H. Witt, Ph.D.

On April 26, 2006, Respondent appeared with counsel at an inquiry before the Preliminary Evaluation Committee of the Board to request an amended consent order comprising only those terms of the July 2, 2005, Consent Order not yet fulfilled and clarifying the duties of Respondent's physician supervisor. At his April 26, 2006 appearance, Respondent offered evidence and testimony that he had to that date fulfilled the terms of the July 2, 2005 consent order as follows: letters of recommendation indicating activities performed by supervising physician Kamalesh Shah, M.D., and from chaperones Stefanie Matamoros, Alka Patel, and Gloria Turner respectively; letter indicating successful completion of the PRIM-E ethics course in November 2005; confirmation by Respondent's counsel, Jay Surgent, Esq., that the psychological evaluation of

Respondent by Philip H. Witt, Ph.D., had been submitted to the Board's Medical Director by letter dated April 25, 2006. Also, as of January 17, 2007, Respondent had paid in full all costs and penalties assessed by the June 2, 2005 consent order. On August 9, 2006, the Board determined that a new consent order could be issued to clarify the terms of the June 2, 2005 consent order. A proposed consent order was forwarded in April 2007, but never finalized.

Thereafter on May 9, 2008, Respondent's counsel requested that the Board modify Respondent's July 2, 2005 consent order, so that Respondent is no longer required to work with a physician supervisor. On May 28, 2008, a committee of the Board reviewed additional documentation submitted by Respondent's counsel, including an updated psychological evaluation from Philip H. Witt, Ph.D. dated May 15, 2008. On August 13, 2008, the Board determined that Respondent no longer requires a physician supervisor based upon a review of the matter and submissions to the Board.

The Board finding the within disposition adequately protective of the public health, safety, and welfare, and the licensee being desirous of resolving this matter without the need for further formal proceedings,

IT IS ON THIS 25TH DAY OF NOVEMBER, 2008,

ORDERED:

1. For Respondent's office-based practice, Respondent shall obtain a Board approved chaperone, at his own expense, who shall be present with Respondent whenever he is in the presence of any

female patient. The chaperone shall be a New Jersey licensed RN, LPN, or PA and shall be present for the entire duration of patient contact and examination and shall initial each female patient's chart to indicate the chaperone's presence. The chaperone shall submit a report to the Board on a monthly basis, until further Order of the Board. The chaperone is also to notify the Board within twenty-four (24) hours of awareness of any violation of this chaperone agreement, or any inappropriate conduct of Respondent with any patient. Respondent shall provide a copy of this order to each person acting as a chaperone. Each chaperone shall indicate receipt of this order and an agreement to comply with its terms by signing a copy of this order and forwarding it to William Roeder, Executive Director of the New Jersey State Board of Medical Examiners.

2. For Respondent's hospital-based practice, Respondent shall be accompanied by a hospital-appointed chaperone at all times during physical examinations of female patients. The chaperone shall be present for the entire duration of patient examination and the chaperone shall initial each female patient's chart to so indicate the chaperone's presence for the entire duration of patient contact and examination. The chaperone shall notify Respondent's physician supervisor and any successor thereto, within twenty-four (24) hours of any inappropriate conduct of Respondent with any patient. Thereafter, Respondent's physician supervisor shall notify the Board and the hospital's legal counsel within

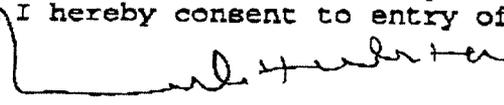
twenty-four (24) hours of awareness of any violation of this chaperone agreement, or any inappropriate conduct of Respondent with any patient. Respondent shall provide a copy of this order to his physician supervisor. The physician supervisor shall indicate receipt of this order and an agreement to comply with its terms by signing a copy of this order and forwarding it to William Roeder, Executive Director of the New Jersey State Board of Medical Examiners.

3. Respondent shall limit his medical practice by excluding obstetrics and gynecology from his medical practice.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 
Paul Mendelowitz, M.D.
President

I have read and understood the above Order and agree to be bound by its terms.
I hereby consent to entry of this Order:


Lalitkumar Mehta, M.D.

Consented to as to form and entry:

Jay V. Sargent

Jay V. Sargent, Esq.
Wilentz, Goldman & Spitzer, P.A.
Attorney for Respondent, Lalitkumar Mehta, M.D.

I have read and understand the
within Order and agree to comply
with the terms which relate to the
requirements of Dr. Mehta's physician
supervisor.

Deepak Shah
Deepak Shah, M.D.
Supervising physician on behalf
of Christ Hospital located in
Jersey City, New Jersey.