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FILED

December 18, 2009

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW
OAL DOCKET NO: BDS 01651-09

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF : Administrative Action
 :
BIPIN J. PARIKH, M.D. :
LICENSE NO. 25 MA 03943100 : **CONSENT ORDER GRANTING**
 : **SURRENDER OF LICENSE**
 : **TO BE DEEMED A REVOCATION**
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") with a Verified Complaint filed by the Attorney General of New Jersey on May 29, 2008. On June 11, 2008, Respondent Bipin J. Parikh, M.D. ("Respondent") entered into an Interim Consent Order which suspended his license pending the disposition of the criminal charges and further Order of the Board. On July 7, 2008, Respondent filed an Answer that denied the substantive allegations of the Verified Complaint. This matter was then transferred to the Office of Administrative Law under Docket Number BDS 01651-09 and assigned to the Honorable Jesse H. Strauss, A.L.J. By way of Order dated February 20, 2009, with an extension on August 20, 2009, this matter was placed on the Inactive List pending the disposition of the criminal matter.

CERTIFIED TRUE COPY

The record in this matter discloses that on April 15, 2008, Respondent was arrested and charged with issuing prescriptions for controlled dangerous substances in exchange for cash. The criminal matter is predicated on an investigation dating from April 27, 2004 to February 7, 2008 which found that Respondent wrote prescriptions for Percocet, Endocet, Vicodin, and Lorcet in exchange for cash payments.

On November 9, 2009, pursuant to a plea agreement, Respondent pled guilty to Second Degree Health Care Claims Fraud in violation of N.J.S.A. 2C:21-4.3(a) and Third Degree Distribution of a Controlled Dangerous Substance, in violation of N.J.S.A. 35-5. Under the terms of the plea agreement, Respondent will be sentenced to between three and five years incarceration for both offenses to run concurrent each other. In addition, Respondent is to pay restitution to the State of New Jersey in the amount of \$685,209.79 and penalties in the amount of \$685,209.79. Respondent will also enter into a consent judgment whereby he will be debarred from the Medicaid program for a period of eight years.

As a result of the guilty plea, the Board finds that Respondent has been convicted of acts constituting crimes or offenses involving moral turpitude and/or relating adversely to the practice of medicine; engaged in professional misconduct; pled guilty to Second Degree Health Care Claims Fraud; and prescribed controlled dangerous substances indiscriminately or without good

cause in violation of N.J.S.A. 45:1-21(e), (f), (k) and/or (m).

The Respondent wishes to avoid further proceedings regarding the Attorney General's Verified Complaint in this case. The Board has determined that the within disposition is adequate to protect the public health, safety and welfare at this time. The Respondent has read the terms of the within Order and understands their meaning and effect, and consents and agrees to each and every term of this Consent Order. For such reasons and other good cause shown,

IT IS on this 13th day of DECEMBER, 2009,

ORDERED AND AGREED THAT:

1. Respondent Bipin J. Parikh, M.D. hereby surrenders his license to practice medicine and surgery in the State of New Jersey, such surrender to be deemed a revocation of his license.

2. Respondent Bipin J. Parikh, M.D. shall be ineligible to apply for or obtain a license to practice medicine and surgery in the State of New Jersey during any such period of time that he is serving a custodial sentence, parole or probation arising from his guilty plea and until the satisfaction of any and all terms of his criminal plea agreement.

3. Respondent Bipin J. Parikh, M.D. shall be further ineligible to obtain a license to practice medicine and surgery until he has demonstrated, to the satisfaction of the Board, that

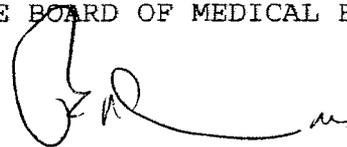
he is fit and competent to so practice, and that his practice of medicine and surgery does not pose a threat to the health, safety and welfare of patients or the public. The Board reserves the right to place conditions upon Respondent's reinstatement to the practice of medicine and surgery, and/or place restrictions on his practice should he be reinstated.

4. Respondent Bipin J. Parikh, M.D. shall pay in full the Board's costs in this matter, including but not limited to, costs of investigation, expert witness fees and costs, attorney's fees and costs and transcript costs, as allowed by N.J.S.A. 45:1-25(d), such costs being \$4,630.74. Such costs shall be stayed until such time as Respondent seeks the reinstatement of his license to practice medicine and surgery.

5. Respondent Bipin J. Parikh, M.D. shall fully comply with the Directives for Disciplined Licensees attached hereto as Exhibit A and made a part hereof.

6. This Consent Order shall be a full and final disposition of the Administrative matter docketed as BDS 01651-09. The Board shall retain jurisdiction to enforce the terms of this Order.

STATE BOARD OF MEDICAL EXAMINERS

By: 

Paul C. Mendelowitz, M.D.
President

I have read and understood the foregoing Order and agree to be bound by its terms and conditions. I hereby give consent to the Board to enter this Order.

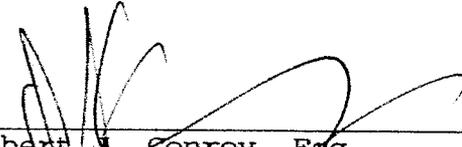


Bipin J. Parikh, M.D.

11/25/09

Date

I hereby consent to the form and entry of this Order.



Robert A. Conroy, Esq.
Law Offices of Kern, Augustine,
Conroy & Schoppman P.C.
Counsel to Bipin J. Parikh, M.D.

11/30/09

Date

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. 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 license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation 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. 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 or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee 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 suspended 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, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must 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 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 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. 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 action.

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 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 licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the 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 Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

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 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