

FILED

October 9, 2013

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

In the Matter of:

DHANBIR SALUJA, M.D.

ORDER CONTINUING TEMPORARY
SUSPENSION OF LICENSE

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") on October 9, 2013, for the limited purpose of affording the full Board an opportunity to review the decision made by a Board Hearing Committee on September 26, 2013 to Order the temporary suspension of the license of respondent Dhanbir Saluja, M.D., to practice medicine and surgery in the State of New Jersey. The full Board was presented with and reviewed the complete record in this matter, to include copies of all filed pleadings, copies of all documents that were entered into evidence before the Board Hearing Committee, a transcript of the hearing held on September 26, 2013 and the Hearing Committee's written Order.

The Board unanimously concludes that good cause exists to adopt, in its entirety and without modification, the Order of Temporary Suspension entered by the Hearing Committee on September 26, 2013, a copy of which is appended hereto as Exhibit "A" and

CERTIFIED TRUE COPY

fully incorporated herein by reference. The Board finds the reasoning of the Hearing Committee to be persuasive, and unanimously adopts the Committee's conclusions that respondent's continued practice would present clear and imminent danger to the public health, safety and welfare and that no limitation short of the temporary suspension of respondent's license could adequately protect the public interest.

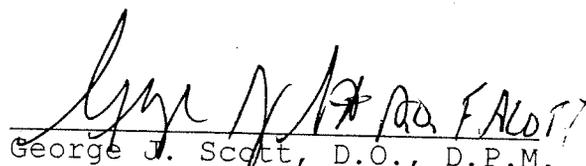
WHEREFORE, it is on this 9th day of October, 2013

ORDERED:

The temporary suspension of the license of respondent Dhanbir Saluja, M.D. to practice medicine and surgery in the State of New Jersey, initially effective September 26, 2013, is continued in full force and effect, pending the conclusion of plenary proceedings in this matter.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By:


George J. Scott, D.O., D.P.M.
Board President

FILED

September 26, 2013

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

In the Matter of:

DHANBIR SALUJA, M.D.

ORDER OF TEMPORARY SUSPENSION

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") on September 19, 2013, upon the filing of a Verified Complaint seeking, *inter alia*, the entry of an Order temporarily suspending the license of respondent Dhanbir Saluja, M.D., to practice medicine and surgery in the State of New Jersey. Within the five count complaint, the Attorney General alleged that respondent has: continued to practice medicine after he agreed to the entry of an Order on April 15, 2013 to cease and desist from engaging in any medical practice, thereby engaging in the unlicensed practice of medicine (Counts 1 and 2); violated the Duty to Cooperate Regulation by failing to appear for a scheduled investigative hearing before a Committee of the Board (Count 3); failed to maintain required medical malpractice insurance (Count 4), and provided false documentation regarding the status of his license to an insurance company (Amerigroup Corporation) and to the Enforcement Bureau during the course of an investigation (Count 5). An Order to Show Cause was simultaneously entered requiring

respondent to appear before the Board, or a Committee thereof, on September 26, 2013, at 12:00 p.m., for a hearing upon the Attorney General's application for the temporary suspension of his license.

On September 26, 2013, this matter was heard before a Hearing Committee of the Board, consisting of Drs. Scott, Berkowitz and Cheema. Deputy Attorney General Meghan Goulding appeared for the complainant John J. Hoffman, Acting Attorney General. Neither respondent, nor anyone appearing on respondent's behalf, attended the hearing. After waiting until 12:36 p.m., and having confirmed that neither respondent nor anyone on respondent's behalf was present, the hearing commenced in respondent's absence.

The Attorney General initially presented evidence establishing that respondent was in fact personally served with the Complaint and the Order to Show Cause on Saturday, September 21, 2013. Specifically, a certification of Rudolph T. Cheney, Jr., dated September 23, 2013 was entered into evidence as Exhibit S-1. Therein, Investigator Cheney details that he went to Dr. Saluja's office at 230 Jefferson Street, Newark, New Jersey on September 21, 2013 at approximately 8:30 a.m., and then personally served all of the moving papers in this matter upon an individual who identified himself as Dhanbir S. Saluja, M.D. Dr. Saluja acknowledged service of the documents by affixing his signature to a receipt, written in Investigator Cheney's presence. The signed receipt was entered into evidence as Exhibit S-2.

Based on Investigator Cheney's certification and the signed receipt acknowledging service, we find and conclude that respondent received notice of the Attorney General's application for the temporary suspension of his license and of the scheduling of this hearing. There is nothing before the Committee which suggests that respondent, or anyone on respondent's behalf, has appeared or in any other way responded to the filed Complaint and Order to Show Cause. We therefore granted the Attorney General's motion to enter default (for purposes of the temporary suspension application), and proceeded to conduct the scheduled hearing in respondent's absence.

After making an opening statement, Deputy Attorney General Goulding moved into evidence documentary proofs in support of her application for the temporary suspension of respondent's license. Specifically, the following documents were moved and entered into evidence:

S-3: Certification of Deputy Attorney General Meaghan Goulding, dated September 18, 2013 (to which a Certified True Copy of an Interim Consent Order between Dr. Saluja and the Board filed on April 15, 2013 and a certification of Rory L. Rineer dated September 16, 2013 were appended; Mr. Rineer's certification in turn certified to the authenticity of certain records made in the regular course of business by Professional Liability Agency which records document the cancellation of Dr. Saluja's medical malpractice insurance policy on or about January 14, 2013 and Dr. Saluja's failure to have purchased any tail coverage for any incidents which may have occurred between November 1, 2003 and January 14, 2013).

S-4: Certification of William V. Roeder dated September 18, 2013 [attesting that Board records reflect that Dr. Saluja's medical license expired on June 30, 2011 and was not thereafter renewed; that an investigation of Dr. Saluja's practice was opened following the Board's receipt of notification on or about June 28, 2012 that Dr. Saluja had provided documentation to the Amerigroup Corporation purporting to demonstrate that he held a current active medical license in New Jersey which would expire in June 2013 (copies of the complaint and supporting documents were appended); and that Dr. Saluja had not provided the Board with proof of medical malpractice insurance or any letter of credit in lieu thereof as required by N.J.A.C. 13:35-6.18(b) and/or N.J.A.C. 13:35-6.18(d)].

S-5: Certification of Mary Ellen Maguire dated September 18, 2013 (generally detailing the scheduling of Dr. Saluja's appearance before a Preliminary Evaluation Committee of the Board on April 3, 2013, his failure to appear on that date, and the subsequent scheduling of an appearance on June 26, 2013).

S-6: Certification of Deputy Attorney General Bindi Merchant (generally detailing that Dr. Saluja failed to appear before the Preliminary Evaluation Committee on April 3, 2013 and that he thereafter agreed to sign an Order to Cease and Desist from medical practice in New Jersey on April 5, 2013).

S-7: Affidavit of Enforcement Bureau Investigator A.A.¹ dated September 13, 2013 (detailing what occurred when A.A. made a covert visit to Dr. Saluja's office on September 6, 2013, see discussion *infra*).²

¹ Because A.A.'s investigative visit to Dr. Saluja's office was conducted in a covert capacity, we have accepted her certification and will only identify her herein by initials.

² We granted the Attorney General's motion to redact A.A.'s certification to shield the identity and date of birth of an adolescent female patient who was present in the waiting room at the time of A.A.'s undercover visit (which had been inadvertently included within ¶5 of the certification).

Review of Evidence and Findings of Fact

The evidence before this Committee compellingly establishes a predicate for the entry of an Order temporarily suspending Dr. Saluja's medical license. Respondent failed to renew his medical license for the biennial renewal period commencing July 1, 2011 through June 30, 2013 (Roeder Certification, S-4). As a result, his license to practice medicine and surgery in the State of New Jersey expired on June 30, 2013 (*Id.*) By law, Dr. Saluja's medical license was suspended on July 30, 2011, and has been suspended at all times thereafter. See N.J.S.A. 45:1-7.1(b). Dr. Saluja's continued practice of medicine since July 30, 2011 constitutes the unlicensed practice of medicine. See N.J.S.A. 45:1-7.1(c).

While it is conceivable that Dr. Saluja may not have initially been aware that his license had not been renewed and had thus been suspended by operation of law on July 30, 2011,³ the evidence unequivocally establishes that he was provided notice of the non-renewal, and of the fact that the Board was investigating whether he had submitted fraudulent documentation to a third party (Amerigroup Corporation) purporting to reflect that he held a current license, by correspondence dated February 13, 2013 (see

³ The suspension triggered when a licensee fails to renew his medical license is an automatic suspension which occurs without a hearing, and is effective even if no notice of the suspension is provided to the individual. See N.J.S.A. 45:1-7.1 (b) and (c).

Maguire Certification, S-5, Exhibit A).⁴ Dr. Saluja was scheduled to appear before a Preliminary Evaluation Committee of the Board on April 5, 2013 for an investigative hearing, but then failed to appear (see generally Maguire Certification and Merchant Certification, S-5 and S-6).

Most significantly, on April 5, 2013, respondent voluntarily entered into an agreement with the Board to cease and desist from engaging in any medical practice in the State of New Jersey. (Merchant Certification, S-6). That agreement was documented and memorialized within a public Consent Order filed on April 15, 2013 (Goulding Certification, S-3, Exhibit A). The filed Interim Consent Order included findings that respondent's medical license had been suspended by operation of N.J.S.A. 45:1-7.1 after it expired on June 30, 2011, and findings that respondent (by failing to appear for the scheduled Preliminary Evaluation Committee on April 5, 2013) had failed to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2. The Order required respondent to "cease and desist from practicing medicine and surgery until he has received reinstatement of his license, and further Order of the Board." The Interim Consent Order additionally provided that respondent would need to appear and give

⁴ Within said letter, Dr. Saluja was advised that the Board's inquiry was "based upon, and is not limited to, the allegations that you provided fraudulent documentation to Amerigroup reflecting that your license had been renewed in May 2011 and was active until June 2013."

testimony before a Preliminary Evaluation Committee of the Board prior to reinstatement of license.

The Interim Consent Order has been in full force and effect since April 15, 2013. Thus, even if respondent may not initially have received notice that his license was suspended on July 1, 2011 and that his continued practice of medicine thereafter constituted the unlicensed practice of medicine, it is clear that he had specific notice thereof as of April 5, 2013 (the date on which the agreement was signed). It is likewise clear that he then unequivocally represented and agreed that he would immediately cease and desist from continuing to engage in any further practice of medicine in New Jersey pending an appearance before a Preliminary Evaluation Committee and entry of a new Order by the Board allowing him to resume medical practice. Neither event has occurred.

The evidence before the Committee also establishes that respondent has violated the terms of the Interim Consent Order by continuing to engage in medical practice in New Jersey. As detailed at length in Investigator A.A.'s affidavit (S-7), on September 6, 2013, an undercover investigation was conducted at respondent's medical practice located at 230 Jefferson Street, Newark, New Jersey, to determine whether respondent was continuing to practice medicine notwithstanding the Order prohibiting such practice. Investigator A.A. posed as a parent of two children who

were seeking a new pediatrician. Upon entering Dr. Saluja's medical office at 60 Jefferson Street, Newark, Dr. Saluja's receptionist advised A.A. that Dr. Saluja accepts Aetna, Amerigroup and Blue Cross/Blue Shield, as well as cash payments. While waiting to see Dr. Saluja, A.A. observed an adolescent female patient arrive with an adult woman and ask for "shot records."

A.A. then met with Dr. Saluja in an examination room, at which time she claimed that she was new to the area and was looking to find a pediatrician to care for her two children, one of which she claimed was autistic. Dr. Saluja advised A.A. that he would not be able to treat the autistic child, instead referring her to the University of Medicine and Dentistry and providing her with the name and contact information for that program on a prescription pad. He then told A.A. that he would be able to provide a well visit for her other child. Dr. Saluja told A.A. that she did not have to schedule an appointment, but could just walk into his office, and he provided her with a piece of paper with his office hours on it in Spanish.

Dr. Saluja next proceeded to examine and treat A.A. for a complaint of swollen eyes. During the course of the office visit (which A.A. paid \$65 in cash for), respondent took a medical history, examined A.A.'s eyes, recorded her blood pressure, palpated her abdomen and auscultated her lungs and heart rhythm. Dr. Saluja told A.A. that it was likely an allergic reaction and

recommended that she take Benadryl for her swollen eyes. He also wrote and provided A.A. with a prescription for eye drops (attached as Exhibit 6 to A.A.'s affidavit), with instructions that she fill the prescription the day after the visit if swelling did not abate.

Finally, the Attorney General offered evidence demonstrating that respondent's medical malpractice insurance coverage, which had been provided by Princeton Insurance Company under policy #PS00024524 from November 1 2003 to January 14, 2013, was cancelled for non-payment on January 14, 2013 (See Rineer Certification and appended documents, attached as Exhibit B to Goulding Certification, S-3). The documents in evidence further demonstrate that respondent failed to purchase tail coverage for that policy, thus leaving him without any coverage for claims made based on any medical incidents that could have occurred from November 1, 2003 through January 14, 2013 (*Id.*).

Conclusions of Law and Order

Pursuant to N.J.S.A. 45:1-22, this Board is empowered, upon a duly verified application of the Attorney General alleging an act or practice violating any provision of any act or regulation administered by the Board, to enter an Order temporarily suspending, or otherwise limiting, any license issued by the Board pending plenary hearing on an administrative complaint. Such an Order can only be entered where the application made to the Board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and where notice of the application is given to the licensee.

We unanimously conclude that the Deputy Attorney General has met her statutory burden to demonstrate that respondent's continued practice presents clear and imminent danger to the public health, safety and welfare. Respondent initially failed to renew his medical license for the period July 1, 2011 through June 30, 2013, which caused his license to be suspended by operation of law. Respondent thereafter received explicit notice that his license had been suspended, and expressly agreed to cease and desist from engaging in any further medical practice in New Jersey in a public Consent Order filed on April 15, 2013.

It is clear, from the opened window into respondent's practice established by Investigator A.A.'s undercover visit on September 6, 2013, that Dr. Saluja has contumaciously eschewed his

representation to the Board that he would cease and desist all medical practice, and has continued to practice medicine in direct violation of that promise. Simultaneously, he has exposed his patient population to the risks inherent in any practice of medicine without medical malpractice insurance, by continuing to practice medicine without apparently holding the legally required malpractice insurance (and without any apparent coverage for any claims that may hereafter be filed for any conduct between November 2003 and January 2013).

Respondent's election to continue to practice medicine subsequent to April 15, 2013 patently and palpably demonstrates a blatant disregard for the authority of this Board and a fundamental absence of integrity. It also manifests a gaping dereliction of judgment, which we unanimously find to be, standing alone, adequate to demonstrate that his continued practice presents clear and imminent danger. While we thus find that a more than ample predicate to support the entry of an Order of Temporary Suspension exists based solely on the evidence establishing that respondent has continued to practice medicine and surgery after agreeing to cease and desist from such practice, we point out that the additional evidence before us (that is, the evidence demonstrating that respondent has failed to maintain required medical malpractice insurance and continued to practice medicine without insurance, that respondent violated the Duty to Cooperate Regulation by

failing to appear before the Board for an investigative hearing, and that respondent may have provided falsified documentation to Amerigroup Corporation purporting to demonstrate that he held a current medical license on or after July 1, 2011) supplements and buttresses our conclusion that the Attorney General has palpably demonstrated clear and imminent danger to the public health, safety and welfare.

In this case, we unanimously conclude that no limitation short of the temporary suspension of respondent's license could adequately protect the public interest. Respondent has demonstrated through his actions that he cannot be trusted to adhere to and comply with any limitations on his medical practice, even where he expressly represented and agreed to do so. We thus have no confidence that respondent would adhere to any limitations on his practice (that is, were we to order any limitations short of a full temporary suspension), and are convinced that this record amply supports the entry of an Order temporarily suspending respondent's license pending the conclusion of plenary proceedings on the filed administrative complaint.

WHEREFORE, it is on this 26th day of September, 2013

ORDERED:

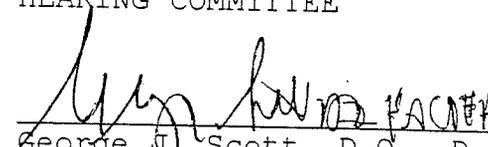
The license of respondent Dhanbir Saluja, M.D., to practice medicine and surgery in the State of New Jersey, is hereby

temporarily suspended, pending the conclusion of plenary proceedings in this matter.

This Order is in full force and effect as of September 26, 2013. The record established in this matter (consisting of all pleadings, documents in evidence and the transcript of the hearing held before this Committee) shall be subject to review by the full Board at its next scheduled meeting on October 9, 2013, at which time the Board may adopt, reject or modify the actions taken by this Committee.

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS
HEARING COMMITTEE

By:


George J. Scott, D.O., D.P.M.
Board President

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.