

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark New Jersey 07102
Attorney for State Board of Medical Examiners

FILED

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NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

By: Patrice Smiley Andrews
Deputy Attorney General
(973) 648-7093

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

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	ORDER OF
NANDAVAR RAMACHANDRA, M.D.	:	AUTOMATIC SUSPENSION
LICENSE NO. 25MA05731600	:	OF LICENSE
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was most recently opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of a letter dated November 4, 2013, from Louis E. Baxter, Sr., M.D., Executive Medical Director, of the Professional Assistance Program of New Jersey ("PAP"). Said letter gave notice that Respondent, Nandavar Ramachandra, M.D., is not compliant with the Private Letter Agreement that he entered into with the Board on August 22, 2011. Specifically, Respondent failed to maintain absolute abstinence from alcohol as required by the Private Letter Agreement. The PAP

CERTIFIED TRUE COPY

advised the Board that Respondent, by his own admission, relapsed into the abuse of alcohol.

Respondent has a long history of abuse of alcohol and involvement with the PAP. Respondent entered into a Consent Order effective as of December 20, 2005, that granted him leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey for a minimum period of three months. On September 13, 2006, Respondent entered into a Consent Order for Reinstatement of his License.

On August 22, 2011, Respondent entered into a Private Letter Agreement acknowledging that the Board considered and approved Respondent's petition for unrestricted licensure in the State of New Jersey. The Board "agreed to do so only in consideration of [Respondent's] representation to comply with certain requirements, as commemorated by [Respondent's] entry into this private letter agreement." The Board entered an Order Granting Unrestricted Licensure on the same date as the entry of the Private Letter Agreement.

The Private Letter Agreement, addressed to Respondent, stated in part:

You have voluntarily agreed to these terms even though you are not mandated to do so by Order of the Board. Specifically, you have indicated that you will comply fully with the monitoring program established for you by the Professional Assistance Program ("PAP").

Such monitoring program will include, but not be limited to:

1. Absolute abstinence from all psychoactive substances including alcohol, unless prescribed by a treating physician aware of your substance abuse history, for a documented condition, with notification to the Executive Medical Director of the PAP.

In addition, Respondent further consented to the following provision made a part of the Private Letter Agreement:

You have also indicated that you are aware that upon reliable information of any relapse into the abuse of alcohol or psychoactive substances, or failure to comply with any item of this private agreement, the Board may enter into an automatic suspension of your license to practice medicine in New Jersey. You may, upon five days' notice, request a hearing to contest the entry of such an order. At any such hearing, the sole issue shall be whether any of the information received regarding your violation of the agreement or your relapse was materially false. In addition, the Board reserves the right to bring further disciplinary action.

In addition, pursuant to the Private Letter Agreement, Respondent agreed:

[I]n the event of an allegation of a violation of this agreement or relapse into the abuse of alcohol or psychoactive substances, the document will become public and may be utilized in any proceeding regarding licensure.

The Board finding Respondent in violation of the August 22, 2011 Private Letter Agreement, in that he has not been compliant with the Board and the PAP by failing to engage in absolute abstinence from alcohol; and it further appearing that the Board finds the within Order is adequately protective of the public health, safety and welfare;

IT IS ON THIS 9 DAY OF December, 2013;

ORDERED:

1. The license of Respondent Nandavar Ramachandra, M.D. to practice medicine and surgery in this State is hereby actively suspended. Respondent shall immediately cease and desist from any practice of medicine and surgery in this State pending demonstration of fitness and further order of the Board. Respondent will be eligible to apply for reinstatement of his license no sooner than three months after November 11, 2013.

2. Respondent shall immediately return his original New Jersey license, current biennial registration, and, if applicable, the original CDS registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183.

3. Respondent shall immediately advise the Drug Enforcement Agency ("DEA") of this Order, specifically the temporary suspension of his physician's license, and, upon receipt of a filed copy of this Order, shall provide the DEA with a copy of same. Respondent

shall provide the Board with proof of notification to the DEA within 7 days of giving such notices.

4. Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee Who Is Disciplined Or Whose Surrender of Licensure Has Been Accepted," attached hereto and made a part hereof.

5. During the period of active suspension:

a. Respondent shall receive no financial remuneration directly or indirectly related to patient fees paid for medical services rendered by other licensees for patients of Respondent;

b. Respondent shall not be permitted to enter upon the premises of a medical facility for the purpose of providing any consultation to other licensees rendering medical services to patients or sign or submit insurance claim forms for treatment rendered during the period of active suspension; and

c. Respondent shall not function as a manager, proprietor, operator, conductor or medical director of a place where medical services are provided, or where drugs and/or narcotics are accessible, or otherwise practice medicine within the meaning of N.J.S.A. 45:9-1 et seq.

6. Prior to any restoration of his license, Respondent shall, at a minimum, undertake the following:

- a. Absolute abstinence from the use of all psychoactive substances including alcohol, unless prescribed by a treating physician for a documented medical condition, with notification from Respondent's treating physician(s) to the Executive Medical Director of the PAP of the diagnosis, treatment plan, prognosis and medications prescribed.
- b. Continuous attendance and involvement in the support group of Alcoholics Anonymous on a daily basis until Respondent has attained 90 such meetings within 90 days. Thereafter, Respondent shall attend a minimum of three Alcohol Anonymous meetings per week.
- c. Respondent shall comply with random, twice weekly urine drug screens.
- d. Respondent must fully complete treatment as recommended by the PAP. Respondent shall be seen in monthly face-to-face follow-ups with a clinical representative of the PAP. Respondent must comply with all aftercare requirements of the PAP.
- e. The PAP shall provide to the Board quarterly status reports with immediate notification of non-compliance with this Order or receipt of information that is reflective of a relapse into abuse.

f. Respondent shall sign releases with his treating physicians and counselors so that the PAP may ascertain his level of compliance and progress with his treatment as well as notify the Board of any instance of noncompliance or relapse.

7. Respondent shall have the right to apply for the removal of the automatic suspension on five days' notice but shall be limited to the sole issue of whether any of the information received regarding Respondent's violation of the Private Letter Agreement or Respondent's relapse was materially false.

8. In the event that Respondent wishes to petition the Board for reinstatement of his license to practice medicine in the State of New Jersey, he shall personally appear before the Board or a Committee of the Board and demonstrate that he is capable of discharging the functions of a license holder in a manner consistent with the public's health, safety and welfare. Respondent shall discuss his readiness to re-enter the practice of medicine as a physician. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and provide the Board with:

i. Evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not suffering from any impairment or limitation resulting from the use of

alcohol or any drug that could affect his practice;

ii. Detailed discharge summaries from any substance abuse programs and reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in Respondent's care and/or treatment for the disability in this matter during the period of time from the filing of this Order to his appearance before the Board;

iii. A report from the PAP detailing the nature and extent of his involvement with that entity, and whether he has abided by the recommendations made by the PAP;

iv. An affirmative establishment of his fitness, competence and capacity to re-enter the active practice of medicine as a physician within New Jersey; and

v. A full account of his conduct during the intervening period of time from his entry into this Order to his appearance before the Board.

9. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation, or restrictions upon reinstatement by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or any other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

10. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term or provision of this Order,

the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: George J. Scott D.D. FRCOFP
George Scott, D.P.M., D.O.

**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 general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the

licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

**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.