



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Case Initiation and Tracking Unit
124 Halsey Street, 7th Floor, Newark NJ 07102



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45025
Newark, NJ 07101
(973) 504-6200

April 10, 2014

-Via Certified & Regular Mail-

Bipin Parikh, M.D.
224 Lafayette Street
Williston Park, NY 11596

In The Matter of the New Jersey CDS
Registration issued to
Bipin Parikh, M.D.
NJ CDS Registration No. D04289400
Docket #: 13-083

Dear Bipin Parikh:

Enclosed please find a Final Order on Default in connection to the above captioned matter which was filed on **April 9, 2014**.

Respectfully,


James Rodriguez
Clerk

cc: Steve C. Lee, Acting Director
Maryann Sheehan, Deputy Director, Professional Boards
Matt Wetzel, Acting Head Drug Control Unit
David M. Puteska, Deputy Attorney General
Megan Cordoma, Deputy Attorney General

APR 9 2014

Division of Consumer Affairs

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

| | | |
|--|---|-----------------------|
| IN THE MATTER OF THE NEW JERSEY | : | |
| CDS REGISTRATION ISSUED TO | : | Administrative Action |
| | : | |
| Bipin Parikh, M.D. | : | FINAL ORDER |
| | : | ON DEFAULT |
| N.J. CDS REG. # D04289400 | : | |
| | : | |
| | : | |

This matter was opened to Eric T. Kanefsky, Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing¹ of Controlled Dangerous Substances (CDS) as set forth in N.J.S.A. 24:21-1 et seq. upon his receipt and review of information and by way of an Order to Show Cause filed with the Division of Consumer Affairs (the "Division") by John Hoffman, Acting Attorney General of New Jersey, Deputy Attorney General David Puteska, appearing on September 30, 2013. The Order was returnable on December 9, 2013, at 11:00 a.m. Pursuant to N.J.S.A. 24:21-12, the Attorney General sought revocation of the registration of Bipin Parikh, M.D. ("Respondent") to dispense CDS.

The Order to Show Cause alleges that, on April 18, 2008, respondent was arrested and charged with illegal distribution of CDS. Respondent was accused of issuing multiple prescriptions for Percocet, Endocet, Vicodin and Lorcet in exchange for cash payments. On November 9, 2009, 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. 2C:35-5. In addition to the term of incarceration of three years in state prison, respondent agreed to pay restitution to the State of New Jersey in the

¹ " 'Dispense' means to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery." N.J.S.A. 24:21-2.

amount of \$685,209.79 and was assessed a monetary penalty of \$685,209.79. On December 18, 2009, the New Jersey State Board of Medical Examiners accepted the surrender of Respondent's license to be deemed a revocation. Respondent was registered to prescribe and dispense CDS issued by the New Jersey Division of Consumer Affairs pursuant to N.J.S.A. 24:21-10 under registration number D04289400. Respondent's CDS registration became inactive upon the surrender of his medical license. The Drug Enforcement Administration has confirmed that the current status of respondent's DEA registration is "surrendered for cause."

Respondent did not submit an Answer or other written response to the Order to Show Cause sent to his Williston Park, New York address. Nor did he telephone or appear at the Division of Consumer Affairs office seeking an adjournment or otherwise responding to the Order to Show Cause. Additional attempts at notification were made by sending an email copy of the Order to Show Cause to an email address used by Respondent in recent past communication with the Division of Law.

A hearing was held before the Director on December 9, 2013. Deputy Attorney General David Puteska appeared on behalf of the Attorney General. After representing that neither Respondent nor counsel for Respondent had called the Attorney General or responded to the Order to Show Cause, the Attorney General asked to proceed with the hearing to revoke Respondent's registration, asserting that adequate service had been made. The State supported its application with the Certification of James Rodriguez, Clerk, dated October 7, 2013 and entered into evidence as Exhibit P-1. In Exhibit P-1, Rodriguez certifies that he caused to be served, via United States Express Mail, a copy of the Order to Show Cause and attached exhibits in this matter on Robert Conroy, Esq., an attorney who represented Bipin Parikh, M.D. in the licensure matter before the Board of Medical Examiners. Upon receipt of the Order to Show Cause, Mr.

Conroy replied that he did not represent Respondent in this matter. A true and complete copy of the Express Mail receipt, and proof of delivery on October 18, 2013 are attached to Mr. Rodriguez' certification. On or about October 15, 2013, Rodriguez served a second copy of the Order to Show Cause and attached exhibits upon Bipin Parikh at 224 Lafayette Street, Williston Park, New York, 11596. The New York address is the most current address of record on file for Respondent with the Division. A true and complete copy of the express mail receipt and delivery attempt history are attached to Rodriguez's certification as Exhibit 1.

The Director determined that the State had met its burden of proof and demonstrated that service was made at Respondent's current address of record, as required by statute. The Director found efforts at service sufficient to place Respondent on notice pursuant to N.J.A.C. 1:1-7.1, found the Respondent to be in default and moved forward with the hearing in Respondent's absence.

SUMMARY OF EVIDENCE PRESENTED

In opening statements and in the Order to Show Cause submitted to the Director, the Attorney General argued that Respondent's guilty plea and criminal conviction of an indictable offense related to his indiscriminate prescribing of CDS constitutes grounds for revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(2), (3) and (4). Additionally, the Attorney General argued there is an independent basis for revocation of CDS registration in the state of New Jersey where there is no active maintenance of a DEA registration. The Attorney General supported his application for revocation of Respondent's registration with the following documents introduced into evidence:

- P-2 Judgment of Conviction
- P-3 Consent Order for Revocation

P-4 Voluntary Surrender of DEA Registration

A judgment of conviction, P-2 in evidence, was entered by the Superior Court of New Jersey, Hudson County on March 3, 2010. Dr. Parikh plead guilty to two counts: health care claim fraud and distribution and dispensing of CDS under N.J.S.A. 2C: 35-5A and 5B.

A Consent Order of Revocation of Respondent's license to practice medicine and surgery in New Jersey, P-3 in evidence, was filed on September 13, 2009, based upon his plea agreement and the Board's finding that he was convicted of crimes of moral turpitude, engaged in professional misconduct, and health care claims fraud, and prescribed controlled dangerous substances indiscriminately and without good cause.

A voluntary surrender of Respondent's DEA Registration dated June 4, 2008, P-4 in evidence, was signed by Dr. Parikh and establishes that he does not have an active DEA registration.

FINDINGS

The evidence presented by the Attorney General in support of the Order to Show Cause for the revocation of Respondent's license is compelling, and collectively establishes a basis to revoke Respondent's New Jersey CDS registration pursuant to N.J.A.C. 12:45H-7.4 and N.J.S.A. 24:21-12(a)(2),(3) and (4), including but not limited to Respondent's admitted prescribing of CDS for purposes other than legitimate medical needs and outside the scope of his practice as a physician.

ACCORDINGLY, it is on this 9th day of April 2014

ORDERED, as announced orally on the record and effective December 9, 2013:

1. New Jersey CDS Registration D04289400, held by Respondent Bipin Parikh, M.D., is hereby revoked.

2. Should Respondent, at any future date, wish to prescribe CDS in New Jersey, in addition to obtaining the return of his medical license, he must independently file an application for a CDS Registration with the Director. Such registration will only be issued after Respondent proves, to the Director's satisfaction, that he has been rehabilitated, is able to comport himself with integrity and reliability with respect to controlled dangerous substances, is able to maintain effective controls against diversion, and that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11.

DIVISION OF CONSUMER AFFAIRS

BY: _____



Eric Kanefsky, Director
New Jersey Division of Consumer Affairs