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New Jersey Office of the Attorney General

Division of Consumer Affairs
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April 10, 2014

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-Via Certified & Regular Mail-

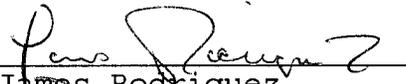
Pankaj Agrawal, 01503-032
CI MOSHANNON VALLEY
CORRECTIONAL INSTITUTION
555 Gro Drive
Philipsburg, PA 16866
Attention Legal Mail

In The Matter of the New Jersey CDS
Registration issued to
Pankaj Agrawal, M.D.
NJ CDS Registration No. D02818400
Docket #: 13-110

Dear Pankaj Agrawal:

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 Wetzell, Acting Head Drug Control Unit
David M. Puteska, Deputy Attorney General
Megan Cordoma, Deputy Attorney General
Pankaj Agrawal, 3 east Meadowbrook Circle, Sicklerville, NJ 08087-1669

FILED

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

Pankaj Agrawal, M.D.

**FINAL ORDER
ON DEFAULT**

N.J. CDS REG. # D02818400

13-110

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 December 3, 2013, asserting that Respondent's conviction for an indictable offense, and his indiscriminate issuing of CDS prescriptions for non-legitimate medical purposes constitute grounds for the revocation of his New Jersey CDS registration pursuant to the Director's authority under N.J.S.A. 24:21-12.

The Order to Show Cause alleges that, on June 26, 2008, a criminal complaint was filed in the United States District Court for the District of New Jersey alleging that Dr. Agrawal violated 21 U.S.C. §841 (a)(1) and §841(b)(1)(c), §846 and 21 U.S.C. §2, based on his conduct of illegally prescribing and/or dispensing of Percocet (CDS II) and Promethazine cough syrup (CDS IV). As alleged in the criminal complaint, Respondent repeatedly prescribed CDS in

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.

exchange for cash to undercover informants with no medical examinations and for no legitimate medical necessity. The Order to Show Cause further alleges that on March 25, 2009, Respondent pled guilty to illegally dispensing Oxycodone by selling Percocet prescriptions and to money laundering. On July 3, 2009, Respondent pled guilty and was sentenced to a sixty-three month federal prison term, plus forfeiture of cash and property. On August 20, 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 D02818400. Respondent's CDS registration became inactive upon the surrender of his medical license.

Respondent did not submit an Answer or other written response to the Order to Show Cause sent to Moshannon Valley Correctional Institute in Philipsburg, Pennsylvania where Dr. Agrawal is currently incarcerated. 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.

A hearing was held before the Director on January 29, 2014. 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 efforts at service had been made. He supported his application with the Certification of James Rodriguez, Clerk, dated January 24, 2014 and entered that certification into evidence as Exhibit P-7. In Exhibit P-7, Rodriguez certifies that he caused to be served, via United States Express Mail, overnight delivery, a copy of the Order to Show Cause and attached exhibits in this matter on Pankaj Agrawal M.D. at the Moshannon

Valley Correctional Institute, 555 Geo Drive, Philipsburg, Pennsylvania 16866. A true and complete copy of the Express Mail receipt, and proof of delivery on December 9, 2013 are attached to Mr. Rodriguez' certification. Mr. Rodriguez has confirmed via the federal prisoner database locator that Respondent was, and remains as of the date of the certification, incarcerated at the Moshannon Valley Correctional Institute.

The Director determined that the State had met its burden of proof and demonstrated that service was made at respondent's current location of incarceration. The Director found efforts at service sufficient to place Respondent on notice pursuant to N.J.A.C. 1:1-7.1, and found the Respondent to be in default and moved forward with the hearing in Respondent's absence. With an appreciation that internal mail delivery at a penitentiary may not be expeditious, the Director indicated that this default proceeding was without prejudice to Respondent's ability to reopen this matter at a later time upon a showing that the Order to Show Cause was not actually received by him.

SUMMARY OF EVIDENCE PRESENTED

In opening statement 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 and money laundering constitutes grounds for revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(2) and (3). The Attorney General supported his application for revocation of Respondent's registration with the following documents introduced into evidence:

- P-1 Criminal Complaint
- P-2 Information Criminal Complaint
- P-3 Judgment of the Conviction

P-4 Interim Consent Order

P-5 Final Consent Order

A criminal complaint, P-1 in evidence, was filed on June 26, 2008, and reflects the government's allegations against Dr. Agrawal, including multiple counts of indiscriminate CDS prescribing.

A Criminal Information, P-2 in evidence, was filed on March 25, 2009 which described specific allegations of violations of both money laundering and the indiscriminate prescribing of CDS, pursuant to U.S.C. 841(a)(1)(c)(1)(c) and U.S.C. 1957, section 2.

A judgment of conviction, P-3 in evidence, was entered on July 31, 2009, in which Dr. Agrawal pled guilty to distribution of oxycodone and money laundering as alleged in the Criminal Information.

An interim order, P-4 in evidence, was filed by the New Jersey State Medical Board in which Dr. Agrawal's medical license was temporarily suspended, pending the outcome of the criminal matter.

A final consent order, P-5 in evidence, dated August 20, 2009, indicates that Dr. Agrawal agreed to the revocation of his medical license based upon his conviction and signed it with his attorney present.

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. 13:45(H)- 7.4 and N.J.S.A. 24:21-12(a)(2) and (3), 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 January 29, 2004:

1. New Jersey CDS Registration D02818400, held by Respondent Pankaj Agrawal, 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