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FILED
July 10, 2014
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 THE SUSPENSION OR REVOCATION OF THE LICENSE OF **RANAJIT MITRA, M.D.** **LICENSE NO. 25MA06362000** TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	ADMINISTRATIVE ACTION **CONSENT ORDER**

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") upon the filing of a Verified Complaint and Order to Show Cause on September 30, 2013, with a return date of October 9, 2013. The Verified Complaint alleged that Ranajit Mitra, M.D.'s ("Respondent") conduct, including his indiscriminate prescribing of Controlled Dangerous Substances ("CDS") to ten (10) patients and his violation of a previously entered Private Letter Agreement ("PLA") with the Board, presented a clear and imminent danger to the public.

On October 9, 2013, Respondent agreed to the entry of a

CERTIFIED TRUE COPY

Consent Order which temporarily suspended his medical license pending the adjourned date of the hearing scheduled on the Order to Show Cause.

On January 8, 2014, a hearing on the Order to Show Cause was conducted by the Board. The Board, after considering the evidence presented by the Attorney General and Respondent, including the testimony of Respondent, found that the continued practice of medicine by Respondent would constitute a clear and imminent danger to the public health, safety and welfare and thus supported the temporary suspension of Respondent's license.

In the Board's written order granting the Attorney General's application, filed on February 21, 2014, it concluded that Respondent's prescribing practices for the ten patients identified in the Verified Complaint were indiscriminate and/or grossly negligent. This conclusion was based, in part, upon the following evidence: an expert report and testimony by Dr. Elizabeth Baker, the State's expert, and by Dr. Jeffrey Gudin, Respondent's expert, whose opinions both supported a finding of indiscriminate prescribing and/or gross negligence; the records of filled prescriptions obtained following pharmacy sweeps revealing that Respondent routinely issued prescriptions for excessive quantities of CDS to each of the ten identified patients; Respondent's patient records which failed to include any treatment plan, any examination findings or testing that would demonstrate a medical need for the

prescribing or support any of the recorded diagnoses in those patients' charts; and evidence that Respondent continued to prescribe in circumstances where he either knew, or should have known, that his patients were receiving pain medications from other prescribers and/or were not being compliant with prescribed dosages.

The Board further found that Respondent's failure to have complied with the terms of the PLA, and his subsequent provision of false and/or misleading testimony when appearing before a Committee of the Board on March 28, 2012 regarding that compliance, provided further evidence of his egregious lack of judgment.

The Board and Respondent have agreed to the entry of this Consent Order to resolve this matter. The Board has considered the matter, and finds that the entry of this Order will adequately protect the public health, safety and welfare, and for good cause shown,

IT IS on this 10th day of July, 2014

HEREBY ORDERED AS FOLLOWS:

1. Respondent's license to practice medicine and surgery in New Jersey is revoked. Respondent shall be ineligible to apply for, or obtain, a license to practice medicine and surgery in the State of New Jersey for a period of two (2) years from the date of the Board's Order of Temporary Suspension filed on February 21, 2014. The period of ineligibility will be tolled

for any length of time that Respondent practices in another jurisdiction.

2. Prior to seeking reinstatement of his New Jersey medical license, Respondent shall appear before a Committee of the Board to demonstrate his fitness to resume practice, demonstrating at a minimum successful completion of Board approved courses in medical ethics, the prescribing of controlled substances, and medical record keeping as well as payment of all penalties and costs set forth in paragraph 4. "Successful completion" means that Respondent attend all sessions of the courses, fully participate in the courses, and receive a final evaluation of an unconditional pass.

3. Should reinstatement be granted, the Board reserves the right to condition or limit Respondent's license, as in its sole discretion seems appropriate to the circumstances of this matter, and in order to protect the public health, safety and welfare. At a minimum, Respondent, if he is reinstated to practice: (i) shall not be approved by the Board to prescribe any CDS for an additional period of eighteen (18) months from the date of his return to practice; (ii) shall arrange, at his sole cost and expense, to have a Board approved monitor for a period of one (1) year after his return to practice who shall monitor, among other aspects of Respondent's practice, his prescriptions of scheduled psychotropic medications. The monitor shall review at least ten (10) patient

records selected randomly on a monthly basis and provide bi-monthly reports to the Medical Director of the Board; and (iii) shall be permanently barred for the life of his medical license from prescribing any scheduled pain medications.

4. Respondent is assessed a civil penalty of $100,000 pursuant to N.J.S.A. 45:1-25. Respondent shall reimburse the Board for its investigation costs and attorney's fees totaling $50,000 pursuant to N.J.S.A. 45:1-25(d).

5. Respondent shall pay the total amount of penalties, costs and fees in the amount of $150,000 in sixteen (16) equal monthly installments of $9,375. The first payment shall be due on or before August 1, 2014, with each subsequent payment due on the first day of each of the following fifteen months. All monthly payments shall be made by bank check, money order, wire transfer or credit card payable to the State of New Jersey, and forwarded to William Roeder, Executive Director, New Jersey Board of Medical Examiners, P.O. Box 183, Trenton, NJ 08625-0183. If a form of payment is presented other than the form of payment noted above, it will be rejected and will be returned to the Respondent. A Certificate of Debt reflecting the $150,000 currently due and owing shall be filed with the New Jersey Superior Court.

6. With the consent of the Director of the Division of Consumer Affairs, and pursuant to his authority under N.J.S.A. 24:21-9 et. seq., Respondent's New Jersey CDS registration, No.

D07383100, is hereby revoked pending further order of the Director. This CDS prescribing restriction is independent of any action taken by the State Board of Medical Examiners, Drug Enforcement Administration or any other licensing authority. If the revocation of Respondent's medical license is lifted by the Board, he may apply for an order from the Director lifting the CDS revocation once an additional eighteen months from his return to medical practice has elapsed. The Director will consider the factors enumerated in N.J.S.A. 24:21-11 and determine, in his sole discretion, if, and under what circumstances, the revocation of Respondent's New Jersey CDS Registration should be lifted. At a minimum, Respondent shall be permanently barred by the Director from prescribing Schedule II medications.

7. Respondent shall comply with the Directives Regarding Licensees who have been disciplined, which are attached hereto and made a part hereof.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

By: George Scott DO. FACOFP
George Scott, D.P.M., D.O.
President

I have read and understood the within Order and agree to be bound by its terms.

Ranajit Mitra MD
Ranajit Mitra, M.D.

Consent is hereby given as to the form and entry of this Order.

Alex Keoskey, Esq.
DeCotiis, Fitzpatrick & Cole, LLP

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.