

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

FILED

October 9, 2013

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Bindi Merchant
Deputy Attorney General
(973) 648-7454

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

ADMINISTRATIVE ACTION

**RANAJIT MITRA, M.D.
LICENSE NO. 25MA0636200**

**INTERIM
CONSENT ORDER**

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF NEW
JERSEY

This matter was opened to the State Board of Medical Examiners ("Board") upon the filing of a Verified Complaint and an Order to Show Cause on September 30, 2013, with a return date of October 9, 2013. The Verified Complaint charges that Respondent's, Ranajit Mitra, M.D., continuing practice of medicine presents a clear and imminent danger to the public.

The Verified Complaint¹ alleges, among other things:

1. Respondent's acts, individually and in concert, constitute indiscriminate prescribing of Controlled Dangerous Substances

¹ Count 4 was included in the Complaint but was not verified.

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("CDS"). Those acts include, but are not limited to:

- a. Creating and maintaining patient records' that lack detailed history and physical examinations as it pertains to the patient's complaints of pain.
- b. Failing to document treatment plans with objectives and goals for pain management or opioid use.
- c. Failing to provide alternatives to the treatment of pain other than controlled substances, such as physical therapy, adjuvant pain medications, biofeedback, injections, electrical therapy, or referral to specialists.
- d. Ignoring New Jersey laws and regulations regarding allowed quantities of opioid tablets prescribed in a 30-day period of time by providing large quantities of short-acting pain medications at frequent intervals.
- e. Failing to monitor patients for inappropriate use of medications, toxic effects on patients receiving extremely high doses of opioids, and compliance with prescribed dosages, diversion, and addiction.
- f. Failing to conduct toxicology testing to monitor adherence to treatment for all patients;

2. Respondent's failure to comply with a Private Letter Agreement ("PLA") filed with the Board on June 21, 2011 constitutes professional misconduct. Respondent was required to stop issuing and/or authorizing CDS prescriptions for the purpose of pain management. Respondent was permitted to prescribe CDS for his psychiatric patients for a psychiatric diagnosis but not for chronic pain management. Within sixty (60) days, Respondent was required to refer all existing patients receiving pain management services to another physician specifically board certified in pain management;
3. Respondent's failure to provide typed transcriptions and complete patient records constitutes failure to cooperate with

- an investigation of the Board and professional misconduct; and
4. Respondent's practice of pain management was out of his scope of practice.²

The Verified Complaint alleges that by engaging in the conduct mentioned above, Respondent's acts constitute violations of N.J.S.A. 45:1-21 (c) and (d) (gross negligence, malpractice or incompetence, and/or repeated acts of negligence, malpractice or incompetence); 45:1-21(e) (professional misconduct); 45:1-21(m) (discriminate prescribing); 45:9-6 (failure to demonstrate good moral character), and 45:1-22 (clear and imminent danger to the public warranting a temporary suspension of his license to practice medicine).

The parties being desirous of resolving this matter, which alleges a palpable demonstration of an imminent danger to the public, without the necessity of a hearing before the Board on the Verified Complaint and Order to Show Cause, and it appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same, and the Board finds that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS, therefore, on this 9th day of October, 2013,

² Respondent is a board certified psychiatrist with no formal training in pain management.

ORDERED that:

1. Ranajit Mitra, M.D. agrees to the temporary suspension of his license to practice medicine in all jurisdictions, pending further order of the Board upon review of the results of the plenary proceeding or other application. During the time Respondent's license is temporarily suspended he shall not charge, receive or share in any fee for professional services rendered by him or others while barred from engaging in the professional practice of medicine. The licensee shall not be required to dissolve his LLC's during the term of this Order and shall be permitted to collect account receivables with respect to professional services that he rendered prior to October 9, 2013.

2. Respondent agrees to file an Answer or Stipulation admitting to the charges contained in the Verified Complaint by October 31, 2013, thus rendering hearings on liability unnecessary in this matter. The case will then be presented to the Board on November 13, 2013 or on an adjourned date, together with any written materials Respondent may wish to submit with the Answer in alleged mitigation of penalty, for a determination as to whether disciplinary actions, including suspension or revocation of Respondent's license to practice medicine or other sanctions should be imposed and whether monetary penalties and costs should be assessed. In the alternative, Respondent may submit a response to

the temporary suspension application by October 31, 2013. The Board will then consider the temporary suspension application on November 13, 2013 or on an adjourned date.

3. 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 Controlled Dangerous Substances ("CDS") registration, No. D07383100, is temporarily suspended 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 temporary suspension on Respondent's medical license is lifted by the Board, he may seek an order from the Director lifting the CDS temporary suspension. 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 temporary suspension of Respondent's NJ CDS Registration should be lifted.

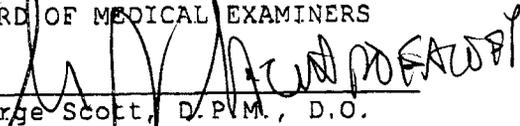
4. Respondent shall immediately return his original New Jersey medical license and CDS registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

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

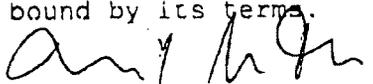
6. The parties hereby stipulate that entry of this Order is without prejudice to further action, by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order and without prejudice to the further prosecution of the allegations contained in the Verified Administrative Complaint filed with the Board of Medical Examiners on September 30, 2013.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

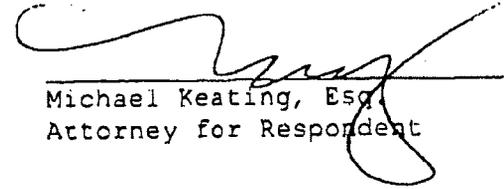
By:


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, M.D.

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


Michael Keating, Esq.
Attorney for Respondent

**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.