

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
P.O. Box 45029
124 Halsey Street, Fifth Floor
Newark, NJ 07101

FILED

SEP 30 2013

Division of Consumer Affairs

By: David M. Puteska
Deputy Attorney General



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

: IN THE MATTER OF THE NEW JERSEY :
: CDS REGISTRATION ISSUED TO :
: :
: **BIPIN PARIKH, M.D.** :
: **N.J. CDS REG. No. D04289400** :
: _____ :

Administrative Action

**ORDER TO SHOW CAUSE
WHY CDS REGISTRATION
SHOULD NOT BE REVOKED**

13-083

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 dispensing of Controlled Dangerous Substances ("CDS") as set forth in N.J.S.A. 24:21-1 et. seq. and is based upon his receipt and review of information on which the following preliminary findings of fact and conclusions of law are made.

Bipin Parikh, M.D. ("Respondent") was a physician licensed to practice medicine and surgery in New Jersey by the New Jersey State Board of Medical Examiners (the "Board") until December 18, 2009 when the Board accepted the surrender of his license to be deemed a revocation. A copy of the Board's order is attached hereto as Exhibit 1. Respondent was also registered to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the "Division") 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.

On April 18, 2008, Respondent was arrested and charged with the illegal distribution of CDS. Respondent was accused of issuing multiple prescriptions for Percocet, Endocet, Vicoden 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. (Exhibit 1, Pg. 2). In addition to a term of incarceration of three years in state prison, Respondent agreed to pay restitution to the State of New Jersey in the amount of \$685,209.79 and was assessed a monetary penalty of \$685,209.79.

The Drug Enforcement Administration (“DEA”) has confirmed that the current status of Respondent’s DEA registration is “surrendered for cause.”

N.J.A.C. 13:45H-7.4(a) requires that all prescriptions for CDS be issued only for legitimate medical purposes by a practitioner acting in the usual course of his professional practice. Respondent’s guilty plea, as detailed above, reflects that he issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice.

Respondent’s conviction of an indictable offense related to his indiscriminate prescribing of CDS constitutes grounds for the revocation of his New Jersey CDS registration pursuant to the Director’s authority under N.J.S.A. 24:21-12(a)(2). Respondent’s admission that he issued CDS prescriptions for non-legitimate medical purposes constitutes a violation of N.J.A.C. 13:45H-7.4(a) and thus provides grounds for the revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(3). Respondent’s DEA status of “surrendered for cause” provides grounds for the revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(4).

Pursuant to the above information; the Director's authority under N.J.S.A. 24:21-12(c); and for good cause shown:

IT IS ON THIS 30th day of September, 2013 **ORDERED** that

1. The Respondent, Bipin Parikh, M.D. either in person or by attorney, shall show cause before the Director of the New Jersey Division of Consumer Affairs, on December 9, 2013 at 11:00 AM or as soon thereafter as the parties may be heard, at the New Jersey Division of Consumer Affairs, 124 Halsey Street, 7th Floor, Newark, New Jersey 07101, why an Order should not be entered (A) Revoking his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12 (a)(2) thru (a)(4); and/or (3); and (B) Requiring that any future application by Respondent to the Director for a CDS registration be issued only after he proves, to the Director's satisfaction, that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11;

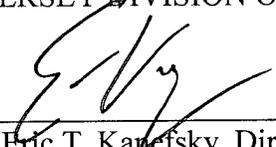
2. That a copy of this Order be served upon Respondent or his attorney forthwith;

3. That Respondent shall file a response five (5) business days prior to the return date set forth above, stating in writing any and all reasons why the revocation of his CDS registration should not occur including any arguments in mitigation and all documents or other written evidence supporting Respondent's position; said response should be delivered to Eric Kanefsky, Director, New Jersey Division of Consumer Affairs, 124 Halsey Street, 7th Floor, P.O. Box 45029, with a copy delivered on that same date and time to David M. Puteska, Deputy Attorney General, Division of Law, 124 Halsey Street, 5th Floor, P.O. Box 45029, Newark, New Jersey 07101; and

4. That failure to respond to this Order to Show Cause or failure to appear before the Director in person or through an attorney, as is herein required, may result in this matter being considered in Respondent's absence and an Order may be entered against Respondent revoking his New Jersey CDS Registration.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: _____


Eric T. Kanefsky, Director