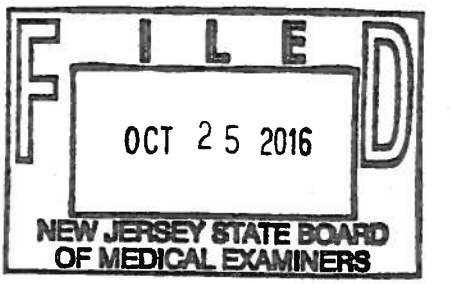
CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
By: Delia A. DeLisi
Deputy Attorney General
Tel: (973)648-4741
Attorney ID. 008972004



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF Raja K. Jagtiani, M.D. LICENSE NO. 25MA06356100 TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	Administrative Action **FINAL CONSENT ORDER**

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that Raja K. Jagtiani, M.D. ("Respondent") was arrested and charged with committing criminal sexual contact in violation of N.J.S.A. 2C:14-3b. More specifically, the Board was notified that Respondent was arrested on August 25, 2015, and charged with nine counts regarding three alleged victims and again arrested on September 23, 2015 and charged with five counts as to three more alleged victims. These charges were in addition to those relating to an earlier arrest for sexual contact with a patient, for which he was arrested on March 4, 2015. All of these charges stem from an investigation by the Bergenfield Police Department and the Bergen County Prosecutor's

CERTIFIED TRUE COPY

Office.

On September 28, 2015, Respondent signed an Interim Consent Order for the temporary suspension of his license to practice medicine pending the disposition of the criminal charges and until further order of the Board. The Interim Consent Order was filed on that day by the Board. Also on that date, the Honorable Susan J. Steele, P.J.S.C., granted a motion filed by the Bergen County Prosecutor's Office to impose additional conditions on Respondent's bail and ordered that Respondent's medical license be suspended pending the disposition of the criminal matter. The Superior Court Order was filed on September 29, 2015.

On April 29, 2016, Respondent was indicted by a Grand Jury on eleven counts of criminal sexual contact in the fourth degree and one count of sexual assault in the second degree.

On October 24, 2016, Respondent pleaded guilty to count one of Indictment No.S-531-16, fourth degree Criminal Sexual Contact pursuant to N.J.S.A. 2C:14-3b, specifically, by intentionally touching the victim's breasts, for the purpose of degrading or humiliating her or to sexually arouse or sexually gratify himself, through the use of physical force or coercion. Respondent also gave a factual basis on the record regarding seven other alleged victims, for similar allegations of criminal sexual contact, under counts 3, 7, 8, 9, 10, 11 and 12 of the Indictment.

Based upon the admissions contained in his plea, the Board finds that Respondent engaged in gross negligence and repeated acts of negligence, repeated professional misconduct, sexual misconduct and acts constituting crimes of moral turpitude and crimes which relate adversely to the practice of medicine, in violation of N.J.S.A. 45:1-21 (c), (d), (e), (f), (h) and N.J.A.C. 13:35-6.3.

The parties being desirous of resolving this matter without the necessity of further proceedings and it appearing that Respondent has read the terms of the within Final Consent Order and understands their meaning and effect and consents to be bound by same and has availed himself of the advice of counsel, and it further appearing that Respondent wishes to enter into an agreement without making admissions, and the Board finding the within disposition adequately protective of the public health, safety, and welfare;

IT IS, therefore, on this 25th **day of** October, **2016,**

ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is revoked. Respondent shall be ineligible to obtain a license to practice medicine and surgery in the State of New Jersey for a period of ten (10) years from the date of the Board's Interim Consent Order for the temporary suspension filed on September 28, 2015. Time spent in active practice in another jurisdiction during the period of revocation shall toll the time when Respondent shall be permitted to reapply for his license in New

Jersey.

2. If not already done so, as per the Interim Consent Order, Respondent shall immediately return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183.

3. Respondent shall continue to cease and desist all patient contact at any location and the rendering of medical care, including the issuance of any prescriptions for, or dispensation of, medications of any kind, including but not limited to Controlled Dangerous Substances.

4. Respondent shall not enter the premises of his former medical practice during business hours when patients may be present.

5. Respondent shall not charge, receive or share in any fee for professional services rendered by others. Respondent shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to the date of the filing of this Order.

6. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Within ten days of the filing of this Consent Order, Respondent is to notify William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 as to where his patient records are secured, and how patients may

obtain them.

7. Respondent shall immediately advise the DEA of this Order, specifically the revocation of his license to practice medicine and surgery.

8. Prior to the granting of any application for licensure, Respondent must appear before a Committee of the Board to demonstrate his fitness to resume practice, demonstrating at a minimum (i)successful completion of a Board approved course in Boundaries and (ii)completion, within the ninth year of the revocation period, of an evaluation through Upstate NY Clinical Competency Center at Albany Medical College or the Center for Personalized Education for Physicians (CPEP), or other comparable Board approved evaluation, and successful completion of any and all recommendations of this evaluation. "Successful completion" of the required courses means that Respondent attended all sessions of the courses, fully participated in the courses, and received a final evaluation of an unconditional pass. The required coursework is in addition to the regularly required continuing medical education ("CME") hours and may not be counted towards satisfying CME obligations.

9. Within the ninth year of the revocation period, Respondent must comply with a psychosexual evaluation conducted by an evaluator pre-approved by the Board. The evaluator's name must be presented to the Board for approval prior to the scheduling of the evaluation.

Respondent shall comply with any recommendations arising from that psychosexual evaluation.

10. Respondent shall be responsible for all costs for the required coursework and evaluations.

11. Respondent expressly waives any claim to privilege or confidentiality that he may have concerning the evaluations ordered and agrees that they will be provided to the Board.

12. Respondent may begin the license reapplication process, including requesting an appearance before a committee of the Board, as early as six months prior to the completion of the ten year revocation period.

13. Should Respondent be granted a medical license following the period of revocation, 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 shall practice under a term of probation for the first two years of his reinstatement.

14. Respondent is assessed a civil penalty of $20,000 pursuant to N.J.S.A. 45:1-25. Respondent shall reimburse the Board for its investigation costs totaling $4,343.87 pursuant to N.J.S.A. 45:1-25(d).

15. Respondent shall satisfy the full amount owed of $24,343.87 no later than five years from the filed date of this

Order. All 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.

16. A Certificate of Debt reflecting the $24,343.87 currently due and owing shall be filed with the New Jersey Superior Court.

17. In addition but not in lieu of the filing of the Certificate of Debt, Respondent may pay the full amount owed in equal monthly installments of $405.73 over the course of sixty months. Each payment shall be due on the first business day of each month, commencing on December 1, 2016. In the event that a monthly payment is not received within five days of its due date, the entire balance shall become due and owing. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11. An appearance before the Board for license reapplication shall not be scheduled unless Respondent has fully satisfied the amount owed.

18. Respondent shall comply with the terms of the "Directives Applicable to Any Medical Board Licensee who is Disciplined or Whose Surrender of Licensure or Cessation of Practice has been Ordered or Agreed Upon," attached hereto and made a part hereof.

19. Respondent shall divest himself from any current and

future financial interest in or benefit derived from the practice of medicine, including but not limited to the provision of healthcare activities taking place at 297 S. Washington Avenue, Suite 1, Bergenfield, New Jersey 07621, Respondent's former medical office, or anywhere else, until such time that all terms of the within Consent Order have been met.

20. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of health care activities in the State of New Jersey until such time that all terms of the within Consent Order have been met.

21. The parties hereby stipulate that entry of this Final Consent Order is without prejudice to further action, investigation, prosecution, or restrictions upon reapplication 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.

22. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Final Consent Order, the Board reserves the right to bring further disciplinary action.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

BY: Geoge J. Scott DO. FXCOFP

George Scott, D.P.M., D.O.
Board President

I have read and understood the within Final Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Raja K. Jagtiani, M.D.

10/24/2016
Date

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

Aidan P. O'Connor, Esq.
Attorney for Respondent

10/24/2016
Date

DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE OR CESSATION OF PRACTICE HAS BEEN ORDERED OR AGREED UPON

APPROVED BY THE BOARD ON AUGUST 12, 2015

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. 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 licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms 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. Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. 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, surrender or cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order

is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order 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 subject to the order 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), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to 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 subject to the order 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.[1] 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 order.

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[1] This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

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 or who is ordered to cease practice 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 disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following 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 Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

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) immediately 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. If the licensee has a website, a notice shall be posted on the website as well.

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.

6. Payment of Civil and Criminal Penalties and Costs.

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

ADDENDUM TO THE DIRECTIVES

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number[2]:_____

List the name and address of any and all Health Care Facilities with which you are affiliated:

_____

_____

_____

List the names and addresses of any and all Health Maintenance Organizations with which you are affiliated:

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_____

_____

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

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[2]Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

NOTICE OF REPORTING PRACTICES OF BOARD REGARDING DISCIPLINARY ORDERS/ACTIONS

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See http://www.njdoctorlist.com.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website.
See http://www.njconsumeraffairs.gov/bme.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf.

Pursuant to N.J.S.A.45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required 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 entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.