

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania, :  
Bureau of Professional and : File No. 14-49-03347  
Occupational Affairs :  
v. : Docket No. 0691-49-14  
Ranajit Mitra, M.D., :  
Respondent :

FINAL ORDER

AND NOW, this 17<sup>th</sup> day of April, 2015, noting that neither party filed an application for review and that the State Board of Medicine (Board) did not issue a Notice of Intent to Review, in accordance with 1 Pa. Code § 35.226(a)(3) and 49 Pa. Code § 16.57, the hearing examiner's adjudication and order dated March 4, 2015, appended to this order as Annex A, is now the **FINAL ORDER** of the Board in this proceeding.

This order is retroactive to April 8, 2015, twenty days from the date of mailing of the Hearing Examiner's Adjudication and Order.

BUREAU OF PROFESSIONAL &  
OCCUPATIONAL AFFAIRS

  
IAN J. HARLOW,  
ACTING COMMISSIONER

Hearing Examiner:

Respondent's Attorney:

Prosecuting Attorney:

Board counsel:

Date of mailing:

BY ORDER:

STATE BOARD OF MEDICINE

  
ANDREW J. BEHNKE, M.D.  
CHAIR

Marc A. Moyer, Esquire

Alex J. Keosky, Esquire  
DeCotiis, Fitzpatrick & Cole, LLP  
Glenpointe Centre West  
500 Frank W. Burr Boulevard  
Teaneck, NJ 07666

Ashley B. Goshert, Esquire

Teresa Lazo, Esquire

April 17, 2015

COPY  
PROTHONDIARY  
2015 APR 17 PM 9:02  
Department of State

## Annex A

**RECEIVED**  
MAR 19 2015  
Department of State  
Prothonotary

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania,** :  
**Bureau of Professional and** :  
**Occupational Affairs** :  
 :  
**v.** :  
 :  
**Ranajit Mitra, M.D.,** :  
**Respondent** :

**Docket No. 0691-49-14**

**File No. 14-49-03347**

---

**ADJUDICATION AND ORDER**

---

Marc A. Moyer, Esquire  
Hearing Examiner

**Commonwealth of Pennsylvania  
GOVERNOR'S OFFICE OF GENERAL COUNSEL  
Department of State  
P.O. Box 2649  
Harrisburg, PA 17105-2649  
(717) 772-2686**

3/19/15

## HISTORY

This matter comes before a Hearing Examiner for the Department of State on a single-count Order To Show Cause (“OTSC”) filed April 29, 2014, in which the Commonwealth alleged that Ranajit Mitra, M.D. (“Respondent”), is subject to disciplinary action by the Pennsylvania State Board of Medicine (the “Board”) under the Medical Practice Act (“Act”), Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. § 422.1 *et. seq.*, at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had disciplinary action taken against his license to practice medicine by the proper licensing authority of another state. Specifically, the New Jersey State Board of Medical Examiners (the “New Jersey Board”) issued an Interim Consent Order filed on October 9, 2013, through which the New Jersey Board ordered that Respondent agree 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 a plenary proceeding or other application. The Interim Consent Order further required Respondent to agree to file an Answer or Stipulation admitting to the charges contained in the Verified Complaint filed with the Board on September 30, 2013, which alleged Respondent’s “palpable demonstration of an imminent danger to the public” based upon his prescription practices involving controlled substances; failure to comply with a New Jersey Private Letter Agreement; failure to provide typed transcriptions and complete patient records; and practicing pain management outside the scope of his practice. (the “New Jersey Consent Order”).

The Commonwealth served the Order To Show Cause (“OTSC”) upon Respondent on April 29, 2014. Respondent filed an Answer to the OTSC on May 5, 2014, through the assistance of legal counsel. A hearing was scheduled for July 24, 2014, by way of Notice of Hearing filed on May 12, 2014. The hearing was, thereafter, continued by Order dated June 11,

2014, pursuant to a request for continuance filed by Respondent on June 6, 2014. The hearing was rescheduled for October 31, 2014, by way of a Notice of Rescheduled Hearing filed on July 29, 2014, served on Respondent's counsel.

By letter dated August 7, 2014, Respondent's counsel produced what purports to be an uncertified Final Consent Order filed by the New Jersey Board related to the New Jersey disciplinary action, as referred to in the New Jersey Consent Order.<sup>1</sup> The hearing occurred as scheduled, on October 31, 2014. The Commonwealth was represented by Ashley B. Goshert, Esquire who presented the Commonwealth's case through certified documents from the New Jersey Board consisting of the September 30, 2013, New Jersey Order to Show Cause, Notice of Hearing, and Notice to File Answer; September 30, 2013, New Jersey Complaint; and the October 9, 2013 Interim Consent Order and the Directives and Notices incorporated therein. (collectively, Exhibit C-1). Neither Respondent, nor his legal counsel appeared for the hearing. The record closed with the filing of Notes of Testimony (hereinafter "N.T.") on November 17, 2014.

### FINDINGS OF FACT

1. Respondent holds a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, License No. MD053002L. (Board records<sup>2</sup>; Order To Show Cause at Paragraph 1).

---

<sup>1</sup> The Final Consent Order was not offered into evidence by the Commonwealth at the hearing, is not part of the record and, therefore, was not considered by the Hearing Examiner as part of his deliberations when preparing this Proposed Adjudication and Order.

<sup>2</sup> Official notice of such matters as might be judicially noticed by courts is permissible under the General Rules of Administrative Practice and Procedure, 1 Pa. Code §31.1 *et. seq.*, at §35.173, which provides, in pertinent part, as follows:

§35.173. Official notice of facts.

2. Respondent's license was originally issued on June 3, 1994, expired on December 31, 1994, and may be renewed upon the filing of the appropriate documentation and payment of the necessary fees. (Board records; Order To Show Cause at Paragraph 2).

3. Respondent's last known address on file with the Board is WCMC #487, Valhalla, NY 10595. However, it is believed that Respondent's current address is 300 Woodbine Court, Ridgewood, NJ 07450. (Board records; Order To Show Cause at Paragraphs 3 and 4).

4. On September 30, 2013, the New Jersey State Board of Medical Examiners filed a four-count Administrative Complaint, *In The Matter Of The Suspension Or Revocation Of The License Of Ranajit Mitra, M.D., License No. 25MA0636200, To Practice Medicine And Surgery In The State Of New Jersey*, which alleged, *inter alia*, that Respondent grossly deviated from the standard of care by engaging in the indiscriminate prescribing of controlled dangerous substances to multiple patients; failed to comply with a New Jersey Private Letter Agreement; failed to provide typed transcriptions and complete patient records; and engaged in conduct which constituted gross negligence, malpractice or incompetence and/or incompetence in the form of practicing pain management outside the scope of his practice. (Exhibit C-1).

---

Official notice may be taken by the agency head or the presiding officer of such matters as might be judicially noticed by the courts of this Commonwealth, or any matters as to which the agency by reason of its functions is an expert. . . .

1 Pa. Code §35.173.

Official notice is also permitted under case law. *See, for example, Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A. 2d 991 (Pa. Cmwlth. 1987), in which the Commonwealth Court explained:

“Official notice” is the administrative counterpart of judicial notice and is the most significant exception to the exclusiveness of the record principle. The doctrine allows an agency to take official notice of facts which are obvious and notorious to an expert in the agency's field and those facts contained in reports and records in the agency's files, in addition to those facts which are obvious and notorious to the average person. Thus, official notice is a broader doctrine than is judicial notice and recognizes the special competence of the administrative agency in its particular field and also recognizes that the agency is a storehouse of information on that field consisting of reports, case files, statistics and other data relevant to its work.

521 A. 2d at 994 n. 6.

5. On October 9, 2013, the New Jersey State Board of Medical Examiners filed an Interim Consent Order, *In The Matter Of The Suspension Or Revocation Of The License Of Ranajit Mitra, M.D., License No. 25MA0636200, To Practice Medicine And Surgery In The State Of New Jersey*, through which the New Jersey Board ordered that Respondent agree 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 a plenary proceeding or other application. (Exhibit C-1).

6. The Interim Consent Order further required Respondent to agree to file an Answer or Stipulation admitting to the charges contained in the Verified Complaint filed with the Board on September 30, 2013. (Exhibit C-1).

7. The New Jersey Interim Consent Order additionally temporarily suspended Respondent's New Jersey Controlled Substances registration with the consent of the New Jersey Director of the Division of Consumer Affairs. (Exhibit C-1).

8. The Commonwealth filed an Order To Show Cause on or about April 29, 2014, alleging that Respondent violated the Act at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had disciplinary action taken by the proper licensing authority of another state. (Official Notice-Board records).

9. Respondent filed an Answer to the OTSC on May 5, 2014, through the assistance of legal counsel. (Official Notice-Board records).

10. The hearing was rescheduled for October 31, 2014, by way of a Notice of Rescheduled Hearing filed on July 29, 2014, served on Respondent's counsel. (Board records-Official Notice).

11. Neither Respondent, nor his legal counsel, appeared for the hearing. (N.T. 1-9).

12. Respondent has been served with the Order To Show Cause and all subsequent pleadings, orders and notices filed of record in this matter. (Official Notice-Board records).

### CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact 1 – 3).
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact 8 – 12).
3. Respondent is subject to discipline under section 41(4) of the Act, 63 P.S. § 422.41(4), in that Respondent's license to practice medicine in New Jersey has been disciplined by the proper licensing authority of that state. (Findings of Fact 4-7).

### DISCUSSION

#### Violations

The single-count in this action is brought under Section 41(4) of the Act, 63 P.S. § 422.41(4), which provides as follows:

**§ 422.41. Reasons for refusal, revocation, or suspension of license**

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

\* \* \*

(4) Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken...by a proper licensing authority of another state, territory or country, or a branch of the Federal Government.



The Commonwealth charged in its Order To Show Cause that the New Jersey Board disciplined Respondent on October 9, 2013, by virtue of an Interim Consent Order which ordered that Respondent agree 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 a plenary proceeding or other application. The Interim Consent Order further required Respondent to agree to file an Answer or Stipulation admitting to the charges contained in the Verified Complaint filed with the Board on September 30, 2013, which alleged Respondent's "palpable demonstration of an imminent danger to the public" based upon his prescription practices involving controlled substances; failure to comply with a New Jersey Private Letter Agreement; failure to provide typed transcriptions and complete patient records; and practicing pain management outside the scope of his practice. The Commonwealth's evidence, admitted into evidence, comprises of certified documents from the New Jersey Board consisting of the September 30, 2013, New Jersey Order to Show Cause, Notice of Hearing, and Notice to File Answer; September 30, 2013, New Jersey Complaint; and the October 9, 2013 Interim Consent Order and the Directives and Notices incorporated therein.

The degree of proof required to establish a case before an administrative tribunal is a preponderance of the evidence. A litigant must satisfy its burden of proof with evidence that is substantial and legally credible, not with mere "suspicion" or by only a "scintilla" of evidence. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A. 2d 600 (Pa. Cmwlth. 1990). A litigant's burden of proof before administrative tribunals is satisfied by establishing a preponderance of evidence which is substantial and legally credible. *Id.* at 601-602. In this case, the foregoing evidence shows that disciplinary action was taken against Respondent's license to practice medicine and surgery by the proper licensing authority of New Jersey, albeit on a

temporary basis. The Commonwealth has, therefore, proven the charge in the Order To Show Cause by a preponderance of the evidence, subjecting Respondent's license to practice medicine and surgery in the Commonwealth to disciplinary action pursuant to the Act at 63 P.S. § 422.41(4).

### Sanctions

The Board has a duty to protect the health and safety of the public. Under professional licensing statutes, including the Act, the Board is charged with the responsibility and authority to oversee the profession and to regulate and license professionals to protect the public health and safety. *Barran v. State Board of Medicine*, 670 A.2d 765, 767 (Pa. Cmwlth. 1996), *app. den.*, 679 A.2d 230 (Pa. 1996). Although he had been given appropriate notice and the opportunity to appear at the hearing, Respondent did not appear to defend himself, did not contest the existence of the New Jersey disciplinary action, and failed to offer any mitigating evidence with respect to the issuance of any sanctions.

Upon finding that disciplinary action is warranted under the Act, Section 422.42 of the Act provides as follows:

#### **422.42. Types of corrective action.**

**(a) Authorized actions.**--When the board is empowered to take disciplinary or corrective action against a board-regulated practitioner under the provisions of this act or pursuant to other statutory authority, the board may:

- (1) Deny the application for a license, certificate or any other privilege granted by the board.
- (2) Administer a public reprimand with or without probation.
- (3) Revoke, suspend, limit or otherwise restrict a license or certificate.
- (4) Require the board-regulated practitioner to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
- (5) Require the board-regulated practitioner to take refresher educational courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with section 40, and place a board-regulated practitioner on probation with the right to vacate the probationary order for noncompliance.

(7) Impose a monetary penalty in accordance with this act.

In this case, the New Jersey Board issued an Order consisting of one of the most severe remedies at its disposal, *i.e.*, the active suspension of Respondent's license to practice medicine in New Jersey. Such an Order clearly constitutes discipline on Respondent's license regardless of its temporary nature. Under the circumstances, the Commonwealth's citizens deserve the same level of protection which the New Jersey Board accorded to its citizens in the form of the cessation of Respondent's practice of medicine, particularly in light of the charges leveled against him in New Jersey.

The Pennsylvania Supreme Court has recognized that "[r]eciprocal discipline prevents licensed professionals from violating ethical rules, being disciplined, and then transferring to a new jurisdiction to continue to practice with an unblemished record of ethical conduct." *Khan v. State Bd. of Auctioneer Examiners*, 842 A.2d 936, 944 (Pa. 2004). As similarly recognized by the Pennsylvania Commonwealth Court: "...failure to maintain professional good standing outside the jurisdiction is fully relevant to the acceptability of a professional licensee in Pennsylvania." *DeMarco v. Commonwealth of Pennsylvania, State Board of Medical Education and Licensure*, 408 A.2d 572, 575 (Pa. Cmwlth. 1979). Accordingly, a sanction against Respondent's Pennsylvania license analogous to that imposed by the New Jersey Board is appropriate. Based upon the above Findings of Fact, Conclusions of Law and Discussion, the following Order will issue:

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

<b>Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs</b>	:	
	:	
	:	<b>Docket No. 0691-49-14</b>
	:	
<b>v.</b>	:	<b>File No. 14-49-03347</b>
	:	
<b>Ranajit Mitra, M.D., Respondent</b>	:	

**ORDER**

**AND NOW**, this 19<sup>th</sup> day of **March, 2015**, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Discussion, it is hereby **ORDERED** that the license to practice medicine and surgery issued to Respondent, **Ranajit Mitra, M.D.**, License No. **MD053002L**, is **INDEFINITELY SUSPENDED**.

Respondent shall, if he has not already done so, relinquish his wall certificate, registration certificate, wallet card, and other licensure documents by the effective date of this Order, by forwarding them to the following address:

State Board of Medicine  
Board Counsel  
P.O. Box 2649  
Harrisburg, PA 17105-2649

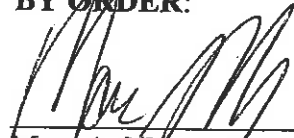
Respondent may file with the Board a written petition for reinstatement of his Pennsylvania license upon the restoration of his New Jersey license to active, unrestricted status. In order to have his license reinstated, Respondent will be required to present evidence satisfactory to the Board that he is eligible for reinstatement. Respondent shall include with his petition for reinstatement the following original source documentation: 1) Documentation

demonstrating that his license to practice medicine in New Jersey has been reinstated to active, unrestricted status; 2) Verification that he has not practiced medicine in Pennsylvania since the date his license was suspended; and 3) A criminal background check from states in which he has resided since the imposition of the indefinite suspension evidencing that he has not committed any criminal offenses..

At the Board's discretion, prior to reinstatement, Respondent may be required to prove at a formal hearing before the Board or its designee that his license in New Jersey has been restored to active, unrestricted status and that he is able to practice the profession with reasonable skill and safety to patients.

The State Board of Medicine has announced its intention to review this Proposed Report in accordance with 1 Pa.Code § 35.226(a)(2).

**BY ORDER:**



---

Marc A. Moyer, Esquire  
Hearing Examiner

***For the Commonwealth:***

Ashley B. Goshert, Prosecuting Attorney  
GOVERNOR'S OFFICE OF GENERAL COUNSEL  
DEPARTMENT OF STATE OFFICE OF CHIEF COUNSEL  
PROSECUTION DIVISION  
P.O. Box 69521  
Harrisburg, PA 17106-9521

***For Respondent:***

Alex J. Keosky, Esquire  
DeCotiis, Fitzpatrick & Cole, L.L.P.  
Glenpointe Centre West  
500 Frank W. Burr Boulevard  
Teaneck, NJ 07666

***Date of mailing:***

3/19/15

## NOTICE

### REHEARING AND/OR RECONSIDERATION

A party may file an application for rehearing or reconsideration **within 15 days of the mailing date** of this adjudication and order. The application must be captioned "*Application for Rehearing*", "*Application for Reconsideration*", or "*Application for Rehearing or Reconsideration*". It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

### APPEAL TO BOARD

An application to the State Board of Medicine for review of the hearing examiner's adjudication and order must be filed by a party **within 20 days of the date of mailing** of this adjudication and order. The application must be captioned "*Application for Review*". It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board's review of the hearing examiner's decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner's decision may be filed irrespective of whether an application for rehearing or reconsideration is filed. However, the filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

### STAY OF HEARING EXAMINER'S ORDER

Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner's order. To seek a stay of the hearing examiner's order, the party must file an application for stay directed to the Board.

### FILING AND SERVICE

An original and three (3) copies of all applications shall be filed with:

Prothonotary  
P.O. Box 2649  
Harrisburg, PA 17105-2649

A copy of all applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.

## NOTICE

The attached Adjudication and Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel  
P.O. Box 69523  
Harrisburg, PA 17106-9523

The name of the individual Board Counsel is identified on the Order page of the Adjudication and Order.