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

PROTHONOTARY

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Department of State

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs**

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Case No. 17-49-10646

**v.
Alexander R. Babayants, M.D.
Respondent**

**FINAL MEMORANDUM ORDER ADOPTING HEARING EXAMINER'S
ADJUDICATION AND SUBSTITUTING BOARD ORDER**

At its July 24, 2018 meeting, the State Board of Medicine (Board) considered the entire record established before the hearing examiner in this case, including the Hearing Examiner's adjudication and order issued May 29, 2018, a copy of which is appended as Attachment "A". Although the Board filed a Notice of Intent to Review neither party filed a brief on exceptions.

It is consistent with Board's authority under the Medical Practice Act of 1985 (Act),¹ and the Administrative Agency Law, 2 Pa. C.S. § 504, for the Board to adopt the hearing examiner's findings of fact, conclusions of law, and discussion if the Board determines that they are complete and the evidence supports them. Having reviewed the entire record, the Board concludes that the evidence supports the facts set forth in the hearing examiner's adjudication. The Board also concludes that the evidence and the law support the conclusions of law contained in the hearing examiner's discussion. Next, the Board concludes that the facts and the law support the hearing examiner's discussion. Consequently, the Board adopts, and incorporates by reference as if fully set forth, the hearing examiner's adjudication and order. However, for the reasons set forth below, the Board will substitute its order for the hearing examiner's order.

The sanctions set forth in the hearing examiner's May 29, 2018 adjudication and order are appropriate given the gravity of the conduct that led to Respondent's discipline in New Jersey and

¹Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. §§ 422.1 – 422.51a.

the potential danger that he poses to citizens of the Commonwealth. Given that Respondent currently has an active license in the Commonwealth, it is necessary to provide a means by which the restrictions and conditions on his Pennsylvania medical license can be immediately enforced. Therefore, in addition to the restrictions and conditions contained within the May 29, 2018 adjudication and order, the Board will indefinitely suspend Respondent's license and immediately stay the suspension in favor of probation.

Accordingly, the following order shall issue:

AND NOW, this 19th day of September 2018, having duly convened and considered the entire record, and based on the foregoing findings of fact, conclusions of law and discussion the State Board of Medicine hereby indefinitely **SUSPENDS**, immediately stayed in favor of **PROBATION**, the license to practice medicine and surgery of **Respondent Alexander R. Babayants, M.D.**, license number **MD457245**, subject to the following terms and conditions:

SPECIAL

1. Respondent is prohibited from prescribing, dispensing and/or administering any and all controlled substances to any and all of Respondent's patients in the Commonwealth.
2. Respondent is prohibited from directing any other health care professional with prescriptive authority, including any advanced practice nurse, physician assistant and/or resident physician, to prescribe, administer and/or dispense any and all controlled substances to any and all of Respondent's patients in the Commonwealth.
3. Within 30 days of the date of this Order, Respondent shall wind down any private practice he maintains in the Commonwealth, shall transition patients to other healthcare providers, and shall refrain from accepting new patients as part of any private practice he maintains in the Commonwealth.
4. Except for the 30-day wind-down period mentioned above, Respondent shall practice medicine in the Commonwealth only in an inpatient setting, with a Board-approved

supervisor or Board-approved monitor who is (a) aware of these proceedings; (b) a licensed healthcare professional in the Commonwealth; and (c) experienced in and familiar with all procedures Respondent performs in his medical practice in the Commonwealth.

5. Unless otherwise directed by the Board or its designee, Respondent's Board-approved supervisor or Board-approved monitor shall (a) review Respondent's patient records weekly; (b) meet face-to-face with Respondent on a weekly basis; and (c) immediately report to the Board or its designee, in writing, any actions by Respondent which violate this Order and/or the statutes and regulations governing the practice of medicine in the Commonwealth.

6. **These limitations and restrictions shall last indefinitely, until such time as the Board reinstates Respondent's license to practice medicine and surgery is reinstated to unrestricted status.**

GENERAL

7. Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds a license to practice a health care profession. Summary traffic violations shall not constitute a violation of this Order.

8. Respondent shall at all times cooperate with the Bureau of Professional and Occupational Affairs and its agents and employees in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Order, including requests for, and causing to be submitted at Respondent's expense, written reports, records and verifications of actions that may be required by the Bureau of Professional and Occupational Affairs.

9. Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order.

10. Respondent shall notify the Bureau of Professional and Occupational Affairs, in writing, within five (5) days of the filing of any criminal charges against Respondent, the initiation of any legal action pertaining to Respondent's practice of the profession, the initiation, action, restriction or limitation relating to Respondent by a professional licensing authority of any state or jurisdiction or the Drug Enforcement Agency of the United States Department of Justice, or any investigation, action, restriction or limitation relating to Respondent's privileges to practice the profession at any health care facility.

11. Respondent shall notify the Bureau of Professional and Occupational Affairs by telephone within 48 hours and in writing within five (5) days of any change of Respondent's home address, phone number, employment status, employer and/or change in practice at a health care facility.

VIOLATION OF THIS ORDER

12. Notification of a violation of the terms or conditions of this Order shall result in the IMMEDIATE VACATING of the stay order, TERMINATION of the period of probation, and ACTIVATION of the suspension of Respondent's license(s) to practice the profession in the Commonwealth of Pennsylvania as follows:

- a. The prosecuting attorney for the Commonwealth shall present to the Board's Probable Cause Screening Committee ("Committee") a Petition that indicates that Respondent has violated any terms or conditions of this Order.
- b. Upon a probable cause determination by the Committee that Respondent has violated any of the terms or conditions of this Order, the Committee shall, without holding a formal hearing, issue a preliminary order vacating the stay of the within suspension, terminating this probation and activating the suspension of Respondent's license.

- c. Respondent shall be notified of the Committee's preliminary order within three (3) business days of its issuance by certified mail and first-class mail, postage prepaid, sent to the Respondent's last registered address on file with the Board, or by personal service if necessary.
- d. Within twenty (20) days of mailing of the preliminary order, Respondent may submit a written answer to the Commonwealth's Petition and request that a formal hearing be held concerning Respondent's violation of probation, in which Respondent may seek relief from the preliminary order activating the suspension. Respondent shall mail the original answer and request for hearing to the Bureau of Professional and Occupational Affairs' Prothonotary, 2601 N. Third Street, Harrisburg, PA 17110, and a copy to the prosecuting attorney for the Commonwealth, as well as all subsequent filings in the matter.
- e. If the Respondent submits a timely answer and request for a formal hearing, the Board or a designated hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Prothonotary's receipt of Respondent's request for a formal hearing.
- f. Respondent's submission of a timely answer and request for a hearing shall not stay the suspension of Respondent's license under the preliminary order. The suspension shall remain in effect unless the Board or the hearing examiner issues an order after the formal hearing staying the suspension again and reactivating the probation.
- g. The facts and averments in this Order shall be deemed admitted and uncontested at this hearing.
- h. If the Board or hearing examiner after the formal hearing makes a determination against Respondent, a final order will be issued sustaining the suspension of

Respondent's license and imposing any additional disciplinary measures deemed appropriate.

- i. If Respondent fails to timely file an answer and request for a hearing, the Board, upon motion of the prosecuting attorney, shall issue a final order affirming the suspension of Respondent's license.
- j. If Respondent does not make a timely answer and request for a formal hearing and a final order affirming the suspension is issued, or the Board or the hearing examiner makes a determination against Respondent sustaining the suspension of Respondent's license, after at least years of active suspension and any additional imposed discipline, Respondent may petition the Board for reinstatement upon verification that Respondent has complied with the Board's order, abided by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of the profession in this Commonwealth.
- k. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.

13. Nothing in this Order shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Order.

14. Upon an affirmative showing that Respondent has complied with all terms and conditions of this Order, that his medical license in the State of New Jersey has been reinstated to unrestricted status, and that he is able to prescribe, administer, and/or dispense controlled substances with reasonable skill and safety to patients, Respondent's license may be reinstated to non-probationary, unrestricted status.

This order shall take effect immediately

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



IAN J. HARLOW
COMMISSIONER

Petitioner's Attorney:

Prosecuting Attorneys:

Board Counsel:

Date of Mailing:

STATE BOARD OF MEDICINE



KEITH E. LOISELLE
CHAIR

Alexander R. Babayants, M.D.
184 Livingston Avenue
Apt. #9272
Livingston, NJ 07039

Keith Bashore, Esquire

Wesley Rish, Esquire

9/19/18

ATTACHMENT A

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

RECEIVED

MAY 29 2018

Department of State
Prothonotary

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs**

v.

**Alexander R. Babayants, M.D.,
Respondent**

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**Docket No. 0099-49-18
File No. 17-49-10646**

ADJUDICATION AND ORDER

**Ruth D. Dunnewold
Hearing Examiner**

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE
OFFICE OF HEARING EXAMINERS
P.O. Box 2649
Harrisburg, PA 17105-2649**

Date Distributed 5/29/18
Prosecution _____
Counsel _____
BFO _____
Hearing Examiner _____
Other _____

HISTORY

This matter comes before a hearing examiner for the Department of State on a single-count order to show cause filed January 22, 2018. The Commonwealth alleged in the order to show cause that Alexander R. Babayants, M.D. ("Respondent") is subject to disciplinary action by the State Board of Medicine ("Board") under the Medical Practice Act¹ ("Act") at section 41(4), 63 P.S. § 422.41(4), as a result of having disciplinary action taken against him by the New Jersey State Board of Medical Examiners ("New Jersey Board").

On February 8, 9 and 12, 2018, Respondent filed letters and documents in response to the order to show cause. By Notice of Hearing dated February 15, 2018, a hearing was scheduled to occur on April 24, 2018. The hearing occurred as scheduled. Respondent appeared and chose to proceed *pro se*, while the Commonwealth was represented by Keith E. Bashore, Prosecuting Attorney. At the conclusion of the hearing, the Commonwealth waived the filing of an initial post-hearing brief, but Respondent indicated he might want to file a post-hearing brief. Since he was unsure, the hearing examiner directed him to let her know within 14 days of the hearing date if he intended to file a post-hearing brief.

The hearing transcript was filed on May 11, 2018. By that date, more than 14 days after the hearing on April 24, 2018, Respondent had given no indication that he wished to file a post-hearing brief. Accordingly, the record was closed by Order Closing Record filed May 14, 2018.

¹Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. § 422.1 – § 422.51a.

FINDINGS OF FACT

1. Respondent holds a license to practice medicine in the Commonwealth of Pennsylvania, license no. MD457245. Official notice of Board records.²
2. Respondent's license was originally issued on March 1, 2016, is current through December 31, 2018, and may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees. Board records.
3. At all relevant times, Respondent held a license to practice medicine in the Commonwealth of Pennsylvania. *Id.*
4. Respondent's last known address on file with the Board is 184 Livingston Avenue, Apt. #9272, Livingston, NJ 07039. *Id.*
5. Respondent holds a license to practice medicine in New Jersey and has been in practice for 20 years. Notes of Testimony ("NT") at 8.
6. Over the course of his career, Respondent worked mostly for facilities, including state hospitals, Torrance Hospital in Pennsylvania, Crozer Keystone Hospital, Horizon Hospital, and St. Michaels Hospital. NT at 8, 9, 26 – 27, 28.
7. Two years prior to the hearing in this matter, Respondent perceived an extreme demand for addiction psychiatrists, so he obtained Board-certification in addiction psychiatry; he is also Board-certified in general psychiatry. NT at 8 – 9.

²Official notice is taken of the Board's licensure records pertaining to Respondent in accordance with the rule that a licensing board may take official notice of its own records. General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 *et seq.*, at § 35.173; *see also Falasco v. Commonwealth of Pennsylvania Board of Probation and Parole*, 521 A.2d 991 (Pa. Cmwlth. 1987) (The doctrine of official notice 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); *Gleeson v. State Bd. of Medicine*, 900 A.2d 430, 440 (Pa. Cmwlth. 2006), *appeal denied*, 917 A.2d 316 (Pa. 2007) (licensing board may take official notice of its own records). All subsequent such references will be cited as "Board records."

8. Respondent then shifted his practice towards private practice in addiction medicine, rather than hospital practice; he has never been a pain management physician. NT at 9, 12 – 13.

9. On January 12, 2018, *In the Matter of the Suspension or Revocation of the License: Alexander R. Babayants, M.D., License No. 25MA06437300 to Practice Medicine and Surgery in the State of New Jersey* (“New Jersey disciplinary matter”), the New Jersey Board filed an Interim Order Imposing Limitations on Practice (“Interim Order”) which included, but was not limited to, provisions imposing the following requirements on Respondent’s practice of medicine in that State:

a. Respondent is prohibited from prescribing, dispensing and/or administering any and all Controlled Dangerous Substances (“CDS”) to patients pending completion of all plenary proceedings in the New Jersey disciplinary matter and/or further order of the New Jersey Board.

b. Respondent is prohibited from directing any other health care professional with prescriptive authorization (including, without limitation, any advance practice nurse, physician assistant and/or resident physician) to prescribe, administer and/or dispense any and all CDS to Respondent’s patients.

c. Within 30 days of the filing date of the Interim Order, Respondent shall wind down his private practice and transition patients, and he shall not accept new patients as part of his private practice.

d. With the exception of the 30-day wind-down period, Respondent may only work in an inpatient setting, with a New Jersey Board-approved supervisor who is aware of the New Jersey disciplinary matter.

e. Within six months of the filing date of the Interim Order, Respondent shall submit to and fully complete a comprehensive assessment of his practice skills by a Post-Licensure Assessment Program approved by the Medical Director of the New Jersey Board or his designee.

Exhibit C-1, pp. 5 – 8.

10. Respondent received the order to show cause and all subsequent notices, documents and pleadings filed in this matter, appeared at the hearing, chose to proceed without counsel, and testified on his own behalf. Docket No. 0099-49-18; NT at 5 – 6 and *passim*.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. Findings of Fact 1, 2, and 5.
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. Finding of Fact 10.
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 has been disciplined by the proper licensing authority of another state, New Jersey. Finding of Fact 9.

DISCUSSION

Violation

This Commonwealth brings this action under section 41(4) of the Act, which provides as follows:

Section 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.

* * *

63 P.S. § 422.41(4). A violation of this provision subjects Respondent's license to practice medicine and surgery in the Commonwealth to the imposition of the disciplinary or corrective measures described in the Act at section 42(a), 63 P.S. § 422.42(a),³ including limiting or restricting a license.

³This provision reads as follows:

Section 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.

The order to show cause charged that the New Jersey Board disciplined Respondent's license to practice medicine in New Jersey in January 2018 when the New Jersey Board issued its Interim Order, prohibiting Respondent from prescribing controlled substances to patients, ordering Respondent to wind down his private medical practice and transition patients within 30 days, and imposing other terms and conditions. The Commonwealth's evidence was Exhibit C-1, a copy of the New Jersey Interim Order, which was admitted into the record at the hearing without objection from Respondent. This evidence shows that disciplinary action was taken against Respondent's license to practice medicine and surgery by the proper licensing authority of another state. Respondent produced no evidence to contradict the fact that he had been disciplined by the New Jersey Board via the Interim Order. The Commonwealth has therefore proven the charge in the order to show cause by a preponderance of the evidence.⁴

Respondent devoted much of his testimony to attacking the New Jersey Board's Interim Order, asserting, among other things, that it was based on false accusations. *See, for example*, NT at 34, lines 6 – 7. However, in a reciprocal disciplinary matter like this one, the Board acts on the *fact* of disciplinary action in another state, rather than on the underlying events leading to that disciplinary action. *Johnston v. Com., State Board of Medical Education and Licensure*, 410 A.2d 103, 106 (Pa. Cmwlth. 1980). For that reason, the substance of the charges and the procedure utilized in resolving them in the other state are immaterial. *Id.* That means that Respondent cannot challenge the New

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

63 P.S. § 422.42(a).

⁴The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950).

Jersey Board's action in this Pennsylvania proceeding. *Id.* Moreover, when a licensee has failed to challenge the validity of the other state's disciplinary action in that other state's appellate courts, the Pennsylvania Board is bound by the disciplinary action imposed in the other state, the integrity and validity of which are presumed. *Shoenhair v. State Board of Nurse Examiners*, 459 A.2d 877, 879 (Pa. Cmwlth. 1983).

Sanction

The purpose of statutes regulating the practice of medicine and its branches is to safeguard the public health and welfare. *Tandon v. State Board of Medicine*, 705 A.2d 1338, 1345 (Pa. Cmwlth. 1997). Given that purpose, 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), *appeal denied* 679 A.2d 230 (Pa. 1996). When a state licensing board confers a professional license, it represents the opinion of the State that the license holder has met the enumerated qualifications for that license, in terms of education, experience, honesty, ability and integrity. *Khan v. State Board of Auctioneer Examiners*, 842 A.2d 936, 944 (Pa. 2004). It follows that, when a licensing board revokes, suspends or limits a license, it represents the opinion of the State that the license holder is no longer fully qualified for the license due to a lack of education, experience, honesty, ability or integrity. Presumably, the New Jersey Board's action against Respondent's license would not have occurred if Respondent had continued to meet that board's standards for maintaining an unrestricted license.

Under such circumstances, the Commonwealth's citizens deserve no less protection than the citizens of its sister State. For that reason, in a reciprocal disciplinary case, it is common to impose a sanction that to some degree mirrors the action imposed in the other State, unless aggravation or

mitigation evidence suggests a different penalty. Here, there is no aggravation evidence apparent in the record. Additionally, there is little mitigation evidence in the record because, rather than presenting mitigating evidence, Respondent chose to collaterally attack the New Jersey Interim Order.

The Commonwealth recommended that Respondent's license in the Commonwealth be subjected to the same type of limitations or restrictions which the New Jersey Board placed on his New Jersey license by means of the Interim Order, i.e. that Respondent be prohibited from distributing, prescribing, dispensing and/or administering controlled substances in Pennsylvania, and that Respondent be permitted to practice in the Commonwealth only in a hospital setting, under the supervision of a Board-approved practice monitor or Board-approved supervisor. Such restrictions would provide to Pennsylvania's residents the same level of protection that the New Jersey Board afforded to New Jersey's citizens. Upon reinstatement of his New Jersey license to unrestricted status, Respondent would be permitted to petition the Board for reinstatement of his Pennsylvania license to unrestricted status. The recommended sanction is a sound one, suitable to these circumstances. Accordingly, 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**

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs**

v.

**Alexander R. Babayants, M.D.,
Respondent**

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**Docket No. 0099-49-18
File No. 17-49-10646**

ORDER

AND NOW, this 29th day of May, 2018, upon consideration of the foregoing findings of fact, conclusions of law and discussion, with regard to the license to practice medicine and surgery issued to Respondent, **Alexander R. Babayants, M.D.** ("Respondent"), license no. MD457245, it is hereby **ORDERED** as follows:

1. Respondent is prohibited from prescribing, dispensing and/or administering any and all controlled substances to and all of Respondent's patients in the Commonwealth.
2. Respondent is prohibited from directing any other health care professional with prescriptive authority, including any advanced practice nurse, physician assistant and/or resident physician, to prescribe, administer and/or dispense any and all controlled substances to any and all of Respondent's patients in the Commonwealth.
3. Within 30 days of the date of this Order, Respondent shall wind down any private practice he maintains in the Commonwealth, shall transition patients to other healthcare providers, and shall refrain from accepting new patients as part of any private practice he maintains in the Commonwealth.
4. Except for the 30-day wind-down period mentioned above, Respondent shall

practice medicine in the Commonwealth only in an inpatient setting, with a Board-approved supervisor or Board-approved monitor who is (a) aware of these proceedings; (b) a licensed healthcare professional in the Commonwealth; and (c) experienced in and familiar with all procedures Respondent performs in his medical practice in the Commonwealth.

5. Unless otherwise directed by the Board or its designee, Respondent's Board-approved supervisor or Board-approved monitor shall (a) review Respondent's patient records weekly; (b) meet face-to-face with Respondent on a weekly basis; and (c) immediately report to the Board or its designee, in writing, any actions by Respondent which violate this Order and/or the statutes and regulations governing the practice of medicine in the Commonwealth.

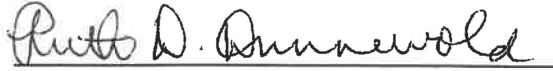
6. These limitations and restrictions shall last indefinitely, until such time as Respondent's license to practice medicine in New Jersey is reinstated to unrestricted status.

7. Upon reinstatement of Respondent's license to practice medicine in New Jersey to unrestricted status, Respondent shall be eligible to petition the Board for reinstatement of his Pennsylvania license to unrestricted status. Respondent shall include with his petition for reinstatement original source documentation evidencing the reinstatement of his license to practice medicine in New Jersey to unrestricted status.

8. 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 to practice medicine in New Jersey has been reinstated to unrestricted status and he is able to prescribe, administer, and/or dispense controlled substances with reasonable skill and safety to patients.

This order shall take effect 20 days from the date of mailing unless otherwise ordered by the State Board of Medicine.

BY ORDER:



Ruth D. Dunnewold
Hearing Examiner

For the Commonwealth:

Keith E. Bashore, Esquire
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:

Alexander R. Babayants, M.D.
184 Livingston Avenue. Apt. #9272
Livingston, NJ 07039

Date of mailing:

5/29/18

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.

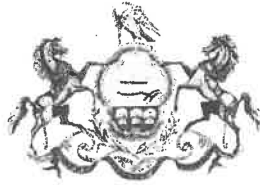
Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.

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.



**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF GENERAL COUNSEL**

Wesley J. Rish
Assistant Counsel

wrish@pa.gov
Counsel Division

September 19, 2018

VIA FIRST CLASS AND CERTIFIED MAIL

Alexander R. Babayants, M.D.
184 Livingston Avenue
Apt. #9272
Livingston, NJ 07039

VIA INTEROFFICE MAIL

Keith E. Bashore, Esquire
P.O. Box 69521
Harrisburg, PA 17106-9521

**RE: Final Memorandum Order Adopting Hearing Examiner's
Adjudication and Substituting Board Order:
Commonwealth of Pennsylvania, Bureau of Professional and
Occupational Affairs v. Alexander R. Babayants, M.D.
Case No. 17-49-10646**

Dear Dr. Babayants and Attorney Bashore:

Enclosed please find a final order that the State Board of Medicine issued in the above referenced matter.

Sincerely,

Wesley J. Rish, Counsel
State Board of Medicine

Enclosure

cc: Suzanne Zerbe, Board Administrator
State Board of Medicine

