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BUREAU OF PROFESSIONAL

OCCUPATIONAL

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

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Vikram Hiralal Kaji, M.D.,
Respondent

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:
:
: Docket No. *0160* MISC-94
: File No. 93-49-03525
:
:
:

CONSENT AGREEMENT

IT IS HEREBY stipulated by the parties to the above-captioned matter that the following statements are true:

1. The State Board of Medicine is a departmental administrative body of the Department of State, organized under the provisions of the Medical Practice Act of 1985, the Act of December 20, 1985, P.L. 457, as amended, ("Act"), 63 P.S. §§422.1-422.45.

2. Vikram Hiralal Kaji, M.D. ("Respondent"), holds a license to practice medicine and surgery in the Commonwealth of Pennsylvania, License No. MD-031218-L.

3. Respondent's last known address on file with the Board is 1900 Yardley Morrisville Road, Yardley, Pennsylvania 19067.

4. Respondent herein knowingly and voluntarily waives the filing of an Order to Show Cause, which would set forth the charges and allegations against the Respondent, as well as a notice of his rights to a hearing whereat the Respondent could appear to show why his license to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania should not be revoked or suspended

or a civil penalty of up to \$1,000 per violation should not be imposed.

5. The Respondent has been fully advised of, and hereby knowingly and voluntarily waives, his right to a formal administrative hearing, to be represented by counsel, to present witnesses and testimony in his defense and in mitigation of any sanction that may be imposed for a violation, to cross-examine witnesses and to challenge evidence presented by the Commonwealth against him, to present legal arguments by means of a Brief before the Board, and to take an appeal from any decision adverse to his interest in his license to practice medicine and surgery without restriction in the Commonwealth of Pennsylvania.

6. Respondent agrees to resolve the allegations that would be raised by the Commonwealth in an Order to Show Cause through this Consent Agreement.

7. Respondent admits that the following facts are true:

a. On or about October 20, 1993, the New Jersey State Board of Medical Examiners found that the Respondent's conduct with respect to three female patients constituted gross malpractice and ordered that:

(1) Respondent's New Jersey Medical License, No. MA023976, be suspended for a period of three (3) years, effective November 1, 1993; one (1) year of which shall be served as an active suspension beginning on November 1, 1993, the remainder to be stayed and to serve as a period of probation;

(2) Respondent accept no new patients as of September 13, 1993;

(3) Respondent undergo psychological counseling;

(4) During the period September 13, 1993 to November 1, 1993, the Respondent would have a female attendant present whenever he would examine a female patient;

(5) Respondent follow directives for physicians whose licenses have been suspended or revoked;

(6) No time would be counted toward the one (1) year of active suspension if Respondent actively practiced in any jurisdiction;

(7) Respondent attend and complete, at his expense, a continuing medical education course in the proper use of Controlled Dangerous Substances;

(8) Respondent attend and complete, at his expense, medical ethics course prescribed by the Board;

(9) Respondent reimburse the State of New Jersey for costs of prosecution, plus penalties in the sum of nine thousand forty-five dollars and eighty-six cents (\$9,045.86).

b. The underlying basis for New Jersey's Order is as follows:

(1) Respondent had allegedly engaged in sexual abuse of three female patients (L.C., P.W., and V.V.) and indiscriminately prescribed an anabolic steroid and Seconal, a Controlled Dangerous Substance to one of those patients;

(2) On or about May 26, 1993, Respondent appeared before the Preliminary Evaluation Committee of the New Jersey Medical Board and testified under oath. Respondent was represented by legal counsel. Respondent testified that he had no recollection of Patient L.C. who complained of an improper rectal examination but denied any wrongdoing;

(3) On or about May 26, 1993, Respondent testified under oath that he had no recollection of Patient P.W. who complained of an improper breast examination. Relying on

his records, Respondent acknowledged that he had performed a breast examination, but again denied any improper action;

(4) On or about May 26, 1993, the Respondent testified that he had in fact engaged in sexual intercourse with Patient V.V. sometime around 1985. The visit was not recorded in the patient record. The incident occurred in the daytime on the bed in the birthing room of his Yardley, Pennsylvania, office while the staff was in the office and the door was unlocked. Respondent did not charge Patient V.V. for the visit. Respondent had not worn a condom during intercourse. Respondent testified that there was no emotional involvement with Patient V.V. Patient V.V. suffered from depression and had been a childhood victim of sexual abuse. Subsequent to the incident of sexual intercourse, Patient V.V. telephoned Respondent on several occasions to express remorse for her actions. Respondent further testified that he had told her not to worry about the incidence of sexual intercourse, that it was okay and that she had not been forced to do anything;

(5) On or about October 10, 1991, the Respondent called in a prescription for Patient V.V. for 10 Dalmane 30 mg;

(6) In or about October 1991, the Respondent wrote a prescription for Patient V.V. for 10 Seconal, 100 mg; and

(7) Although the Respondent wrote a prescription for Patient V.V. for 20 Seconal 100 mg. on or about February, 1992, the last entry in Respondent's patient record for V.V. is October 21, 1991.

8. Based upon the facts admitted herein, Respondent admits that his license to practice medicine and surgery within the Commonwealth of Pennsylvania is subject to disciplinary action pursuant to Section 422.41(4) of the Act, 63 P.S. §422.41(4), and consents to the issuance by the Board of the following Order:

a. That Respondent's license to practice medicine and surgery, License No. MD-031218-L, be and hereby is **SUSPENDED** for three (3) years.

b. That following an active suspension of twelve (12) months, Respondent may petition the Board to stay the balance of the suspension in favor of probation.

c. That the Board shall not stay the suspension unless and until Respondent makes an affirmative showing to the Board that he has fully complied with all laws governing the practice of the profession, has fully complied with his administrative probation in New Jersey, and that he does not present a threat to the health and safety of his patients.

d. That any probation, if granted, shall be subject to the following terms and conditions:

(1) Respondent shall 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 medicine in this Commonwealth, and shall comply with all terms and conditions of any criminal or administrative probation.

(2) Respondent shall notify the Law Enforcement Division of the Pennsylvania Bureau of Professional and Occupational

Affairs, in writing, of any change of address within seventy-two (72) hours of the occurrence of any of the following:

- a. the establishment of a new home or business address;
- b. a change in employment or professional practice.

(3) Respondent hereby consents to the release of the Bureau of Professional and Occupational Affairs, any information or data produced as a result of his probation to any current or prospective employer, treatment provider, and other parties which may be reasonably related to or affected by Respondent's practice of the profession.

(4) Respondent shall cause to be filed any required report, data or other information with: Compliance Officer, Law Enforcement Division, Bureau of Professional and Occupational Affairs, P.O. Box 2649, Harrisburg, Pennsylvania 17105-2649.

e. That notification of a violation of a term or condition of the Consent Agreement and Order shall result in the immediate **DISSOLUTION** of the Stay - Order, **TERMINATION** of the period of probation and **ACTIVATION** of the entire period of suspension of Respondent's license

to practice medicine and surgery in the Commonwealth of Pennsylvania as follows:

(1) The prosecuting attorney shall file a Petition which indicates that Respondent has violated any of the terms or conditions contained within this Consent Agreement.

(2) Upon a probable cause determination that Respondent violated any of the terms or conditions of the Consent Agreement, the Board shall, without holding a formal hearing, issue a Preliminary Order dissolving its previous Order staying the suspension in this matter, terminating the period of probation, and actively suspending Respondent's license to practice the profession in the Commonwealth of Pennsylvania.

(3) Respondent shall be notified of the Board's Preliminary Order and the Commonwealth's Petition within three (3) days of its issuance by Certified Mail and First Class Mail, postage prepaid, sent to the last registered address on file with the Board.

(4) That within thirty (30) days of mailing of notification of the Board's action, Respondent may request a formal hearing be convened concerning Respondent's violation of

the Consent Agreement and Order, and to seek relief from the Preliminary Order suspending him.

(5) That a formal hearing will be scheduled within forty-five (45) days of the Board's receipt of Respondent's request for a formal hearing.

(6) That if Respondent requests a formal hearing, the suspension of Respondent's license will remain active until the board enters a final Adjudication and Order after following the formal hearing.

(7) That the facts and averment in this Consent Agreement will be deemed admitted and uncontested at this hearing.

(8) That if the Board makes a determination adverse to Respondent at this hearing, the Board will issue a final Order actively suspending Respondent's license for the entire period of suspension which was stayed and any additional sanction or corrective measure deemed appropriate by the Board.

(9) That if a request for a formal hearing is not received from the Respondent within the prescribed thirty (30) day period,

the Board's Preliminary Order will become final within thirty (30) days of its mailing.

f. That upon successful completion of a period of probation, Respondent's license will be restored to unrestricted status without the necessity of further action by the Board.

g. That Respondent shall not engage in the practice of the profession in the Commonwealth of Pennsylvania, represent himself as being able to practice the profession in the Commonwealth of Pennsylvania, or otherwise indicate he is licensed to practice medicine in the Commonwealth of Pennsylvania during the active period of suspension.

h. That Respondent shall upon issuance of the Board's Order adopting the Consent Agreement immediately surrender his wall certificate, registration certificate and wallet card to:

**LAW ENFORCEMENT MONITORING AGENT
P.O. BOX 2649
124 PINE STREET
HARRISBURG, PA 17105-2649**


i. Respondent will be assessed a civil penalty of five thousand dollars (\$5,000), the payment of such penalty being due and payable on the date Respondent signs this Consent Agreement and will be paid by either Cashier's Check, Certified Check, Money Order or Attorney's Check, made payable to "The Commonwealth of Pennsylvania."

9. Respondent agrees and consents to the issuance of an Order of the Board adopting and implementing the terms of this Consent Agreement which will be incorporated by reference and become thereof.

10. The parties understand that this Consent Agreement is between the prosecuting attorney and the Respondent only, and, except as otherwise noted herein, is to have no legal effect unless and until the Board issues an Order implementing this Consent Agreement, and the contents have been approved by the Office of General Counsel as to form and legality.

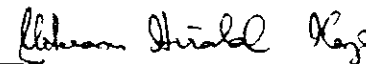
11. Should this Consent Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings. The participants further agree to waive any objection to a Board member's consideration of this Agreement in the event that the member participated in a prior decision to prosecute this matter. This paragraph is binding on the participants even if the Board disapproves this Consent Agreement.

12. The Respondent verifies that the facts and statements set forth in the foregoing are true and correct to the best of the Respondent's knowledge, information and belief. The Respondent understands that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.


Kathleen Grossman
Prosecuting Attorney
Bureau of Professional
and Occupational Affairs

DATED: 11 | 22 | 94

KWG/pm
10/94


Vikram Hiralal Kaji, M.D.
Respondent

DATED: