

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

AUG 9 11 07 AM '96

In Re: Application for :  
Reinstatement of the License to : Docket no. 0047-Misc.-96  
Practice Medicine and Surgery of : BPOA File no. 96-49-01044  
Vikram H. Kaji, M.D., :  
Petitioner :

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ADJUDICATION AND ORDER

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This matter comes before the hearing examiner for the Bureau of Professional and Occupational Affairs (BPOA) on a Stipulation of Facts and Proposed Sanction (Appendix 1) submitted by the parties in the above action which is hereby adopted as Findings of Fact and Conclusions of Law. Accordingly, the following order shall issue.

ORDER

AND NOW, this 9th day of August, 1996, it is hereby ORDERED that the suspension of Petitioner Vikram H. Kaji, M.D.'s license, no. MD-031218-L, be and hereby is stayed in favor of probation subject to the following terms and conditions:

1. Petitioner 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. Petitioner shall notify the Law Enforcement Division of the BPOA, 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. Petitioner hereby consents to the release by the BPOA of 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 Petitioner's practice of the profession;

4. Petitioner shall cause to be filed any required report, data or other information with: Compliance Officer, Law Enforcement Division, BPOA, P.O. Box 2649, Harrisburg, PA 17105-2649;

5. Petitioner's practice in the Commonwealth shall be limited to employment by a licensee approved by the State Board of Medicine (Board), with that licensee's confirmed knowledge of Petitioner's past conduct as set forth in the New Jersey State Board of Medical Examiners' Order of October 1993;

6. A female licensed health care practitioner approved by the Board shall be present at all times when Petitioner is examining a female patient;

7. Said licensed health care practitioner shall not be Petitioner's wife;

8. The licensed health care practitioner shall sign the patient chart of all female patients examined, indicating that she was present during the entire examination;

9. No examination of a female patient shall occur without the attendance of the health care practitioner during the entire period of examination;

10. A sign shall be posted in each examining room indicating that patients should require that a female attendant be present during an examination; and

11. Should a female patient insist upon not having an attendant present and/or appear to be inappropriately friendly or sexually suggestive, Petitioner shall not examine the patient, referring her instead to another physician.

Upon successful completion of the remaining period of probation, under the December 23, 1994 Board Order, Petitioner's license will be restored to unrestricted status without the necessity of further action by the Board.

This Order is effective in twenty (20) days.

BY ORDER:



Frank C. Kahoe, Jr.  
Hearing Examiner

DATE OF MAILING: August 9, 1996

For Petitioner:

David S. Sokolow, Esquire  
Fox, Rothschild, O'Brien & Frankel  
10th Floor, 2000 Market Street  
Philadelphia, PA 19103-3291

For the Commonwealth:

Kathleen W. Grossman, Esquire  
Bureau of Professional  
and Occupational Affairs  
116 Pine Street  
P.O. Box 2649  
Harrisburg, PA 17105-2649

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

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs

vs

Vikram H. Kaji, M.D.,  
Respondent

Docket No. 0047-Misc.-96  
File No. 96-49-01044

STIPULATION OF FACTS AND PROPOSED ORDER

The Commonwealth and Respondent stipulate as follows in the interest of expediting the proceedings in the above-captioned case.

1. This matter is before the State Board of Medicine pursuant to the Medical Practice Act of December 20, 1985, P.L. 457, No. 112, as amended ("Act"), 63 P.S. §§422.1 et seq.

2. At all relevant and material times, Vikram H. Kaji, M.D. ("Respondent") held a license to practice medicine in the Commonwealth of Pennsylvania, License No. MD-021318-L.

3. At all relevant and material times, Respondent held a license to practice medicine in the State of New Jersey, License No. MA023976.

4. The 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 sanctioned his New Jersey Medical License.

b. On or about November 22, 1994, the Respondent entered into a Consent Agreement with the Commonwealth's Prosecuting Attorney in which he



admitted to violating the Act at 63 P.S. §422.41(4) by and through the New Jersey action and consented to the issuance by the Board of an Order sanctioning his Pennsylvania license. A true and correct copy of the Consent Agreement and Order is attached as Exhibit 1.

c. The Board Order which was issued on or about December 23, 1994, provided that:

(i) Respondent's Pennsylvania medical license would be suspended for three (3) years;

(ii) Following an active suspension of twelve (12) months, Respondent could petition the Board to stay the balance of the suspension in favor of probation;

(iii) The Board would not stay the suspension unless and until Respondent made an affirmative showing to the Board that he fully complied with all laws governing the practice of the profession, fully complied with his administrative probation in New Jersey, and that he did not present a threat to the health and safety of his patients; and

(iv) any probation, if granted, would be subject to specific terms and conditions as enumerated in the Consent Agreement and Order.

(v) upon successful completion of a period of probation, Respondent's license would be restored to unrestricted status without the necessity of further action by the Board.

d. As of December 23, 1995, the Respondent's Pennsylvania medical license had been actively suspended for twelve (12) months.

e. The Respondent has demonstrated compliance with all terms of the Board's Order of December 23, 1994, and demonstrates an effort to continue to do so.

f. In or about March 1996 Respondent petitioned the Board to stay the balance of his suspension in favor of probation.

g. On April 1, 1996, the Board issued an Order delegating the matter of Application for Reinstatement of Respondent's license to a Hearing Examiner. A true and correct copy of the Order is attached as Exhibit 2.

h. On April 3, 1996, the Bureau's Prothonotary issued a Notice of Hearing to commence on May 3, 1996. A true and correct copy is attached as Exhibit 3.

i. In May 1996, Respondent petitioned for a continuance of the Pennsylvania action until such time as New Jersey considered Respondent's petition to reinstate his New Jersey medical license.

j. On May 3, 1996, Hearing Examiner Frank C. Kahoe, Jr. issued an Order and Notice of Rescheduled Hearing, continuing the Hearing to August 7, 1996. A true and correct copy of the May 3, 1996 Order is attached as Exhibit 4.

k. On or about June 28, 1996, the State of New Jersey Board of Medical Examiners, in the matter of the License of Vikram Kaji, M.D., License No. MA023976, issued an Order of Reinstatement with Continuing Terms of Probation.

A true and correct copy of the New Jersey Board Order is attached Exhibit 5.

5. The parties stipulate that the Hearing Examiner may enter the following proposed sanction in this matter:

a. The balance of the Suspension of Respondent's license to practice medicine and surgery, license no. MD-031218-L, is hereby stayed in favor of Probation subject to the following terms and conditions:

(i) 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;

(ii) 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.

(iii) Respondent hereby consents to the release by the Bureau of Professional and Occupational Affairs, of 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;

(iv) 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, PA 17105-2649;

(v) Respondent's employment in the Commonwealth shall be limited to employment by a licensee approved by the Board, with that licensee's confirmed knowledge of Respondent's past conduct as set forth in the New Jersey State Board of Medical Examiners Order of October 1993;

(vi) A female licensed health care practitioner approved by the Board shall be present at all times when Respondent is examining a female patient;

(vii) Said licensed health care practitioner shall not be Respondent's wife;

(viii) The licensed health care practitioner shall sign the patient chart of all female patients examined, indicating that she was present during the entire examination;

(ix) No examination of a female patient shall occur without the attendance of the health care practitioner during the entire period of examination;

(x) A sign shall be placed in each examining room indicating that patients should require that a female attendant be present during an examination; and

(xi) Should a female patient insist upon not having an attendant present and/or appear to be inappropriately friendly or sexually

suggestive, Respondent shall not examine the patient, referring her instead to another physician.

b. Upon successful completion of the remaining period of probation, under the December 23, 1994 Board Order, Respondent's license will be restored to unrestricted status without the necessity of further action by the Board.

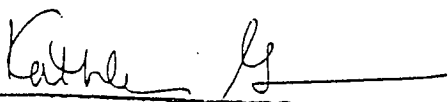
6. The Respondent acknowledges and understands that this Stipulation of Facts and Proposed Sanction is merely a proposal to the Hearing Examiner, who is not bound to enter an Adjudication and Order in strict adherence to it.

7. This Stipulation of Facts and Proposed Sanction is between the Commonwealth and Respondent only. Except as otherwise noted, this Stipulation of Facts and Proposed Sanction is to have no legal effect unless and until the Hearing Examiner issues an Adjudication and Order.

8. Respondent agrees, as a condition of entering into this Stipulation of Facts and Proposed Sanction, not to seek modification at a later date of the Adjudication and Order without first obtaining the express written concurrence of the Office of Prosecution.


9. Upon the acceptance of this Stipulation of Facts and Proposed Order Respondent knowingly and voluntarily waives his rights relative to a hearing in this matter including: his right to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision

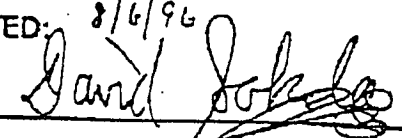
10. Respondent verifies that the facts and statements set forth in this Stipulation of Facts and Proposed Sanction are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Stipulation of Facts and Proposed Sanction are made subject to the criminal penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

  
Kathleen W. Grossman  
Prosecuting Attorney  
Bureau of Professional and  
Occupational Affairs

DATED: 8/7/96

KWG/dmg

  
Vikram Hiralal Kaji, M.D.  
Respondent

DATED: 8/6/96  


Attorney for Respondent  
DATED: 8/6/96