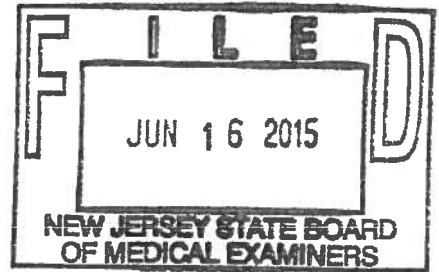


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
 : Administrative Action
VIKRAM H. KAJI, M.D. :
LICENSE NO. MA02397600 : **COMPLAINT**
 :
TO PRACTICE MEDICINE AND SURGERY :
IN THE STATE OF NEW JERSEY :

John J. Hoffman, Acting Attorney General of the State of New Jersey, by Bindi Merchant, Deputy Attorney General, with offices located at 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07101, by way of Complaint says:

GENERAL ALLEGATIONS

1. Complainant, Acting Attorney General of New Jersey, is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed

CERTIFIED TRUE COPY

by the New Jersey State Board of Medical Examiners pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Medical Examiners ("Board") is charged with the duty and responsibility of regulating the practice of medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:9-1 et seq.

3. Respondent, Vikram H. Kaji, M.D. ("Respondent"), is a 79 year old physician, who, at all times relevant hereto, has been licensed to practice medicine and surgery in the State of New Jersey with License Number MA02397600. The current status of Respondent's license is "Active".

4. Respondent is Board Certified in Obstetrics and Gynecology and currently performs routine gynecological checkups, pap smears, breast examinations, and termination of pregnancies in the first trimester at various American Women's Services ("AWS") locations in the State of New Jersey. (Transcript of Respondent's appearance before the Preliminary Evaluation Committee of the State Board of Medical Examiners, dated May 6, 2015, 2T 7:19-21; 2T 10:24-25; 2T 11:1, attached as Exhibit B to the Certification of Deputy Attorney General Bindi Merchant ("Merchant Cert."), dated June 5, 2015.)

5. Respondent does not have hospital privileges or

alternative privileges with the Board to perform termination of Pregnancy surgical procedures. (Merchant Cert., Exhibit B, 2T 9:12-16).

6. On or about October 20, 1993, Respondent's license to practice medicine and surgery in the State of New Jersey was suspended for three (3) years, one year to be served as an active suspension, effective November 1, 1993. (Consent Order, filed October 20, 1993, attached as Exhibit C to Merchant Cert.).

7. In or around 1996 Respondent began working for Steven Brigham ("Brigham") as an independent contractor at the AWS locations to perform terminations of pregnancies. (Transcript of Respondent's appearance before the Preliminary Evaluation Committee of the State Board of Medical Examiners, dated January 23, 2013, 1T 19:13-18; 1T 20:7-10, attached as Exhibit A to Merchant Cert.).

8. On or about October 20, 2010, Respondent executed a contract to serve as a Medical Director at all AWS locations when Brigham's medical license was temporarily suspended by the Board and Brigham was therefore disqualified and unable to perform the functions of a Medical Director. (Merchant Cert., Exhibit A, 1T 25:3-23; Steven Brigham's Temporary Suspension Order filed November 4, 2010, nunc pro tunc October 13, 2010,

attached as Exhibit F to Merchant Cert.). Respondent testified that he was paid \$2400 per year to perform the duties as a Medical Director. (Merchant Cert., Exhibit A, 1T 49:19-21). His contract identified his duties to include: applying for DEA and CDS numbers for all the AWS offices, to permit the ordering of controlled substances and to oversee the recordkeeping and controls of these controlled substances, accept emergency telephone calls from patients as necessary, and oversee the quality of medical care in the offices. (Respondent's Medical Director Agreement, dated October 20, 2010, attached as Exhibit J to Merchant Cert.).

9. On or about January 23, 2013, Respondent appeared before a Preliminary Evaluation Committee of the Board to discuss his duties and responsibilities at AWS and overall practice of medicine. (Merchant Cert., Exhibit A, 1T 6:15-19).

10. By a subsequent production by counsel, Respondent provided an updated Medical Director contract following the January 26, 2013 appearance which delineated additional responsibilities such as conducting audits, reviewing medical records, contacting physicians to discuss any problems or suggestions, meeting with patients, addressing any medical issues with the Office Manager, and reviewing physician credentials. In turn, Respondent received an increase in salary

to \$1000 every two weeks to serve as Medical Director of AWS, plus \$25 per patient telephone call that Respondent handled. (Respondent Medical Director Agreement attached to e-mail by counsel, Joseph M. Gorrell, Esq., dated May 1, 2013, attached as Exhibit I to Merchant Cert.).

11. On or about May 24, 2013, Respondent entered into an Interim Consent Order to submit to a neuropsychological evaluation based on his testimony regarding his memory loss/impairment. (Interim Consent Order, filed May 24, 2013, attached as Exhibit D to Merchant Cert.). Respondent has completed the neuropsychological evaluation. Although the evaluation revealed that Respondent had a diagnosis of mild cognitive impairment, Respondent was deemed fit to practice. It was recommended that Respondent take careful written notes to supplement his oral memory as well as refrain from engaging in complicated medical procedures with patients, but rather engage in low risk occupational tasks. (Dr. Arnold Witte's Report dated March 16, 2015, with attachments, attached as Exhibit E to Merchant Cert.).

12. American Healthcare Services, P.C. is a New Jersey professional corporation doing business as AWS at the following locations: Toms River, Voorhees, Phillipsburg, Woodbridge, Elizabeth, also known as Associates in OB/GYN, Hamilton, also

known as Princeton Women's Services, and Englewood, also known as Englewood Women's Services. (Merchant Cert., Exhibit B, 2T 11-12).

COUNT I

13. Complainant repeats the General Allegations above as if fully set forth herein and incorporated by reference.

14. American Healthcare Services, P.C. was incorporated on October 26, 2000, and was solely owned by Brigham. At its inception, the Certificate of Incorporation for American Healthcare Services P.C. reports to have the authority to issue 2500 common shares. (Certificate of Incorporation for American Healthcare Services, P.C., filed October 26, 2000, attached as Exhibit N to Merchant Cert.). The purpose of American Healthcare Services, P.C. was reported to be to engage in the practice of medicine in accordance with the New Jersey Professional Corporation Act. The last annual report for American Healthcare Services, P.C. was filed on August 19, 2014. (2014 Annual Report for American Healthcare Services, P.C., dated August 19, 2014, attached as Exhibit O to Merchant Cert.).

15. Brigham's medical license was revoked by the Board on October 8, 2014. The Order was filed on November 12, 2014. By the express terms of that Order, Brigham was required to comply with all of the Directives Applicable to Any Medical

Board Licensee Who is Disciplined or Whose Surrender of Licensure Has Been Accepted which required, among other things, divestiture of all financial interest in a professional service corporation pursuant to N.J.S.A. 14A:17-13(c) within 90 days following the entry of the Order. (Steven Brigham's Final Revocation Order, filed November 12, 2014, attached as Exhibit G to Merchant Cert; Directives Applicable to Any Medical Board Licensee Who is Disciplined or Whose Surrender of Licensure Has Been Accepted dated May 10, 2000, attached as Exhibit H to Merchant Cert.).

16. On or about February 10, 2015, 90 days after the entry of the Brigham Final Revocation Order, Harry Lessig, M.D., Consultant Medical Director, wrote to counsel for Brigham, Joseph M. Gorrell, Esq., reminding him of Brigham's responsibility to provide proof of appropriate divestiture and/or dissolution. (Dr. Harry Lessig letter, dated February 10, 2015, attached as Exhibit K to Merchant Cert.).

17. By e-mail reply on March 27, 2015, Mr. Gorrell provided the Board with what purported to be a stock certificate that reflected that on or about October 6, 2014, Brigham transferred complete ownership, 100 common stock shares out of 200 common stock shares, of American Healthcare Services, P.C. to Respondent. (E-mail of counsel to Steven Brigham, Joseph

Gorrell, Esq. attaching a copy of transfer of complete ownership from Steven Brigham to Respondent, dated October 6, 2014, attached as Exhibit L to Merchant Cert.) This document was signed by both Respondent and Brigham outside the presence of counsel. (Merchant Cert., Exhibit B, 2T 67:12-17).

18. On or about March 31, 2015, Respondent and Brigham provided a letter to the New Jersey Department of Health and Senior Services ("DOH") apologizing for American Healthcare Services, P.C.'s late filing of Surgical Practice Application for Transfer of Ownership of three of the AWS locations (Elizabeth, Englewood, and Hamilton) as required by N.J.A.C. 8:43C-1.6 and N.J.S.A. 26:2H-12. These three locations were previously registered with the DOH as surgical practices. The letter, signed by Brigham and Respondent, also attaching the stock certificate previously provided to the Board, represents that 100% transfer of ownership of American Healthcare Services, P.C. from Brigham to Respondent occurred on or about October 6, 2014. (Letter to DOH, dated March 31, 2015, attached as Exhibit M to Merchant Cert.).

19. On or about April 22, 2015, an Investigator employed by the Division of Consumers Affairs, Enforcement Bureau, inspected the office of Princeton Women's Services, located in Hamilton, New Jersey. Respondent was present during the

inspection. When asked by the investigator if he was the owner, he denied and stated he was the medical director, and Brigham was the owner. (Certification of Nisha Nicoletti, dated June 15, 2015).

20. On May 6, 2015, Respondent appeared before a Preliminary Evaluation Committee of the Board and repeatedly testified under oath that he was not the owner of any AWS locations or American Healthcare Services, P.C. nor did he perform any of the functions of an owner. (Merchant Cert., Exhibit B, 2T 61-62).

21. Respondent testified that Brigham continues to fulfill the obligations as owner of all AWS locations. He expressly testified that "there is no other person around, he's the only one who runs the show." (Merchant Cert., Exhibit B, 2T 62:1-5).

22. The stock transfer misrepresents the true ownership of American Healthcare Services, P.C. in that Respondent does not understand nor has he in any way, assumed those legal responsibilities associated with his obtaining ownership of the stock. (Merchant Cert., Exhibit B, 2T 67:1-2).

23. Respondent conducted no evaluation or due diligence of the business he was purportedly acquiring. (Merchant Cert., Exhibit B, 2T 66:6-8). Respondent neither received nor gave

consideration, such as any monetary gain of any kind in return for the stock transfer. (Merchant Cert., Exhibit B, 2T 66:1-3). Respondent's understanding of what was actually being transferred to him when he signed the stock transfer, was "in fact, nothing." (Merchant Cert., Exhibit B, 2T 76:23-25).

24. Respondent signed the paperwork giving him 100% ownership in American Healthcare Services, P.C. just as a legal pretense to fulfill the Board's divestiture requirement. By lending his name as the owner of American Healthcare Services, P.C., Respondent did not in fact obtain any real responsibility or obligations for the day-to-day operation of the corporation. Rather, as Respondent stated, "it was just a technical paper transaction so the business could go on." (Merchant Cert., Exhibit B, 2T 77:1-13).

25. Respondent has not filed with the Division of Commercial Recording reflecting the change in ownership for American Healthcare Services, P.C. nor has he filed any annual reports with the Department of Treasury. (Merchant Cert., Exhibit B, 2T 75:1-8).

26. Respondent's filing of the Surgical Practice Application for Transfer of Ownership of three of the AWS locations (Elizabeth, Englewood, and Hamilton) with the DOH, using the sham transfer documents, represents obtaining a

certificate or registration through fraud, deception or misrepresentation, in violation of N.J.S.A. 45:1-21(a).

27. Respondent's ownership of American Healthcare Services, P.C. is a sham transfer and thus constitutes the use or employment of dishonesty, deception, misrepresentation, false promise or false pretense, in violation of N.J.S.A. 45:1-21(b).

28. Respondent's participation in the fraudulent transfer and ownership of American Healthcare Services, P.C. represents professional or occupational misconduct, in contravention of N.J.S.A. 45:1-21(e).

29. Respondent aided and abetted the unlicensed practice of medicine in allowing Brigham to maintain ownership of AWS, a professional service corporation, an activity for which a medical license is required, in violation of N.J.S.A. 45:1-21(n).

30. Respondent's participation in the fraudulent transfer and ownership of American Healthcare Services, P.C. demonstrates his lack of good moral character, as required by N.J.S.A. 45:9-6.

WHEREFORE, Complainant Acting Attorney General respectfully demands the entry of an order against Respondent, as follows:

1. The suspension or revocation of the license

issued to Respondent to practice medicine and surgery in the State of New Jersey.

2. Permanent ban on Respondent acting as Medical Director obtaining any ownership in any AWS locations.

3. Imposition of penalties pursuant to N.J.S.A. 45:1-22(b) as a second offense.

4. Imposition of costs, including investigative costs, attorneys' fees, expert fees and costs of hearing including transcripts pursuant to N.J.S.A. 45:1-25(d).

5. Such other and further relief as the Board shall deem just and appropriate.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: *Bindi Merchant*
Bindi Merchant
Deputy Attorney General

Dated: 6/15/15