



Department
of Health

Public

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HOWARD A. ZUCKER, M.D., J.D.
Commissioner

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Executive Deputy Commissioner

May 12, 2015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ajit Jayaram, M.D.
530 Montgomery Street
Jersey City, New Jersey 07302

Ajit Jayaram, M.D.


Peter Ponzini, Esq.
Ponzini & Ponzini, P.C.
193 Route 17 South – Suite 202
Paramus, New Jersey 07652

David W. Quist, Esq.
NYS Department of Health
ESP – Corning Tower – Room 2512
Albany, New York 12237

RE: In the Matter of Ajit Jayaram

Dear Parties:

Enclosed please find the Determination and Order (No. 15-120) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2013) and §230-c subdivisions 1 through 5, (McKinney Supp. 2013), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.


The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,


James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
AJIT JAYARAM, M.D.
CO-14-02-0643A

DETERMINATION
AND
ORDER
BPMC #15-120

COPY

A hearing was held on April 23, 2015, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and Statement of Charges, both dated January 22, 2015, were served upon the Respondent, **Ajit Jayaram, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Mohammad-Reza Ghazi-Moghadam, M.D.**, Chair, **Eleanor C. Kane, M.D.**, and **Richard H. Edmonds, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **James E. Dering, Esq.**, General Counsel, by **David W. Quist, Esq.**, of Counsel. The Respondent, **Ajit Jayaram, M.D.**, did not appear, although duly served. The Respondent's attorney, **Peter Ponzini, Esq.** of Paramus, New Jersey, did make a telephone statement to the Hearing Committee. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10) (p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(a)(iii) – by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law.

Respondent is also charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his license to practice medicine revoked, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, would, if committed in New York state, constitute professional misconduct under the laws of New York state.

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **Ajit Jayaram, M.D.**, the Respondent, did not appear at the hearing, although he was duly served and notified of the hearing by personal service on February 12, 2015. (Petitioner's Exhibit 2)
2. **Ajit Jayaram, M.D.**, the Respondent, was authorized to practice medicine in New York State on November 24, 1978, by the issuance of license number 136880 by the New York State Education Department. (Petitioner's Ex. 3)
3. On or about February 27, 2013, in the Superior Court of New Jersey, Hudson County, Respondent was convicted of Health Care Claims Fraud, Medicaid Fraud, and two counts of attempted murder. On or about April 12, 2013, Respondent was sentenced to concurrent terms of imprisonment totaling nine (9) years, to be followed by parole supervision for a period at five (5) years, as well as submission of a DNA sample and payment of assessments and penalty.

4. On or about January 3, 2014, Respondent entered into a Final Consent Order with the New Jersey State Board of Medical Examiners, which was filed on or about January 9, 2014. Pursuant to that Consent Order, which was based on Respondent's criminal convictions cited above, Respondent's New Jersey medical license was revoked.

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York State Education Law §6530 (9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction..."

VOTE: Sustained (3-0)

SECOND SPECIFICATION

"Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation would, if committed in New York State, constitute professional misconduct..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits, notwithstanding the Respondent's absence.

It is noted that the Respondent was aware of this proceeding and had his attorney, Peter Ponzini, Esq., of Paramus, New Jersey, contact both the Department's attorney and the Administrative Law Judge. Mr. Ponzini advised the Administrative Law Judge that his client was incarcerated and would not be attending the hearing. Mr. Ponzini further advised the Judge that attempts had been made to have the Respondent sign a surrender of his New York medical license, but the prison officials would not permit the documents to be taken out of the prison. Although Mr. Ponzini did not appear in person for the hearing, Mr. Ponzini, did make a telephone call to the hearing and explained to the panel that his client did not dispute the underlying facts in this case and wished to surrender his New York medical license.

The record and the documentation submitted at the hearing herein shows that on or about February 27, 2013, in the Superior Court of New Jersey, Hudson County, Respondent was convicted of Health Care Claims Fraud, Medicaid Fraud, and two counts of attempted murder. The record goes on to show that, on or about April 12, 2013,

Respondent was sentenced to concurrent terms of imprisonment totaling nine (9) years, to be followed by parole supervision for a period at five years.

In addition to these criminal convictions, the record also shows that the Respondent entered into a Final Consent Order with the New Jersey State Board of Medical Examiners, which revoked the Respondent's New Jersey medical license based on the above criminal convictions, including the two counts of attempted murder.

Since the Respondent chose not to appear, the panel had no evidence or indication of remorse on the part of the Respondent. The panel reviewed the full record and deemed the charges so serious as to warrant revocation.

As to the penalty, the Hearing Committee determined that the people of New York State would be protected by a revocation of the Respondent's license and thus the unanimous determination of the panel was that the license of the Respondent to practice medicine in New York State should be revoked.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**
2. The license of the Respondent to practice medicine in New York State is revoked.

3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Amsterdam, New York

May 11th, 2015



Mohammad-Reza Ghazi-Moghadam, M.D.

Eleanor C. Kane, M.D.

Richard H. Edmonds, Ph.D.,

To: **Ajit Jayaram, M.D.**
530 Montgomery Street
Jersey City, NJ 07302

Ajit Jayaram, M.D.



Peter Ponzini, Esq.
Attorney for Respondent
Ponzini & Ponzini, P.C.
193 Route 17 South, Suite 202
Paramus, New Jersey 07652

David W. Quist, Esq.
Attorney for Petitioner
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Coming Tower, Room 2512
Empire State Plaza
Albany, New York 12237

APPENDIX I

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
AJIT JAYARAM, M.D.
CO-14-02-0643A

NOTICE OF
REFERRAL
PROCEEDING

TO: Ajit Jayaram, M.D.
530 Montgomery Street
Jersey City, NJ 07302

Ajit Jayaram, M.D.
[REDACTED]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19th day of March, 2015, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered that would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

EXHIBIT

tabular

1

if you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten (10) days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten (10) days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health, whose name appears below. You may file a written brief and affidavits with the Committee. Six (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney, indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide, at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, disclosure of the evidence that Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence, and a description of physical and/or other evidence that cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here _____

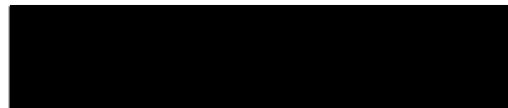
The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five (5) days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

JAN. 22, 2015



MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

David W. Quist
Associate Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

IN THE MATTER
OF
AJIT JAYARAM, M.D.

STATEMENT
OF
CHARGES

AJIT JAYARAM, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 24, 1978 by the issuance of license number 136880 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about February 27, 2013, in the Superior Court of New Jersey, Hudson County, Respondent was, pursuant to a guilty plea, convicted of Health Care Claims Fraud, Medicaid Fraud, and two counts of attempted murder. On or about April 12, 2013, Respondent was sentenced to concurrent terms of imprisonment totaling nine (9) years, to be followed by parole supervision for a period of five (5) years, as well as submission of a DNA sample and payment of assessments and penalty.
- B. On or about January 3, 2014, Respondent entered into a Final Consent Order with the New Jersey State Board of Medical Examiners, which was filed on or about January 9, 2014. Pursuant to that Consent Order, which was based on Respondent's criminal convictions referenced in Paragraph A, above, Respondent's New Jersey medical license was revoked.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law (namely N.Y. Penal Law §§ 177.05, 110.00 and 125.25(1)) as alleged in the facts of the following:

1. The facts in Paragraph A.

SECOND SPECIFICATION

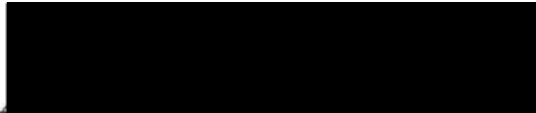
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New

York state (namely N.Y. Educ. Law § 6530(2) and (20)) as alleged in the facts of the following:

2. The facts in Paragraph B.

DATE: January 22, 2015
Albany, New York



Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct