

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5696
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against,

11 **NAVRAJAN KUKREJA, M.D.,**
12 83 Ravine Drive
13 Colonia, NJ 07067

14 Physician's and Surgeon's Certificate No.
15 C51462

16 One.

Case No. 800-2015-019474

OAH No. 2016110089

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17 FINDINGS OF FACT

18 1. On or about April 19, 2016, Complainant Kimberly Kirchmeyer, in her official
19 capacity as the Executive Director of the Medical Board of California, Department of Consumer
20 Affairs, filed Accusation No. 800-2015-019474 against Navrajan Kukreja, M.D. (Respondent)
21 before the Medical Board of California.

22 2. On or about January 7, 2004, the Medical Board of California (Board) issued
23 Physician's and Surgeon's Certificate No. C51462 to Respondent. The Physician's and Surgeon's
24 Certificate expired on January 31, 2016, and has not been renewed. (Exhibit Package, Exhibit
25 A.)¹

26
27 ¹ The evidence in support of this Default Decision and Order is submitted herewith as the
28 "Exhibit Package."

1 3. On or about April 19, 2016, Richard M. Acosta, an employee of the Complainant
2 Agency, served by Certified Mail a copy of the Accusation No. 800-2015-019474, Statement to
3 Respondent, Notice of Defense, and Request for Discovery to Respondent's address of record
4 with the Board, which was and is 83 Ravine Drive, Colonia, NJ 07067. On May 23, 2016, the
5 Attorney General's Office received the certified mail receipt card indicating receipt at
6 Respondent's address of record. (Accusation Package, Proof of Service, Return Receipt, Exhibit
7 Package, Exhibit B.)

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c).

10 5. On or about May 10, 2016, Respondent signed and returned a Notice of Defense,
11 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
12 address of record and it informed him that an administrative hearing in this matter was scheduled
13 for February 2, 2017. Respondent failed to appear at that hearing. (Notice of Defense, Exhibit
14 Package, Exhibit C; Notice of Hearing and Proof of Service, Exhibit Package, Exhibit D.)

15 6. Complainant's counsel Deputy Attorney General Machaela M. Mingardi discussed
16 the case with Respondent's then-counsel, Mr. Joseph Gorrell, and in October 2016 informed him
17 of the planned hearing date of February 2, 2017. In early January 2017, Mr. Gorrell informed
18 Ms. Mingardi that he is not licensed in California and would no longer be representing
19 Respondent in this case. (See Declaration of Deputy Attorney General Machaela M. Mingardi,
20 Exhibit Package, Exhibit E.) On February 1, 2017, Respondent requested a continuance, which
21 was denied by Judge David Benjamin. On February 2, 2017, the morning of the hearing,
22 Respondent made a renewed request for a continuance or to appear by telephone. Respondent's
23 requests were again denied by Judge Benjamin. (Respondent's requests, along with
24 Complainant's oppositional papers and both of Judge Benjamin's orders, Exhibit Package,
25 Exhibit F.) Respondent failed to appear at the hearing.

26 7. Business and Professions Code section 118 states, in pertinent part:

27 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
28 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by

1 order of a court of law, or its surrender without the written consent of the board, shall not, during
2 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
3 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
4 provided by law or to enter an order suspending or revoking the license or otherwise taking
5 disciplinary action against the license on any such ground."

6 8. Government Code section 11506 states, in pertinent part:

7 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
8 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
9 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
10 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

11 9. California Government Code section 11520 states, in pertinent part:

12 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
13 agency may take action based upon the respondent's express admissions or upon other evidence
14 and affidavits may be used as evidence without any notice to respondent."

15 10. Pursuant to its authority under Government Code section 11520, the Board finds
16 Respondent is in default. The Board will take action without further hearing and, based on
17 Respondent's express admissions by way of default and the evidence before it, contained in
18 Exhibits A, B and C, finds that the allegations in Accusation No. 800-2015-019474 are true.

19 DETERMINATION OF ISSUES

20 1. Based on the foregoing findings of fact, Respondent Navrajan Kukreja, M.D., has
21 subjected his Physician's and Surgeon's Certificate No. C51462 to discipline.

22 2. The agency has jurisdiction to adjudicate this case by default.

23 3. The Medical Board of California is authorized to revoke Respondent's Physician's
24 and Surgeon's Certificate based upon the following violations alleged in the Accusation: On
25 December 1, 2015, the New Jersey Board of Medical Examiners issued a Consent Order requiring
26 Respondent to cease and desist his practice of medicine in that state. Pursuant to the Consent
27 Order, Respondent agreed to undergo a full evaluation within ten days of the date of the order to
28 assess his knowledge and competence to practice anesthesiology and engage in a general practice.

1 Respondent was ordered to place all of his prescription pads and all prescription drugs in his
2 possession in a safe and locked location as reported to the Board and the Drug Control Unit. The
3 Consent Order was based on the New Jersey Board's concerns regarding Respondents 1) care and
4 treatment of a patient at a surgery center; 2) allegations that Respondent facilitated the unlicensed
5 practice of medicine while employed at the surgery center; 3) the Department of Health
6 inspection of the surgery center, which resulted in multiple violations and citations; and 4) the
7 termination of Respondent's temporary privileges at Chilton Medical Center in 2014. (New
8 Jersey Consent Order, Exhibit Package, Exhibit B.)

9 4. Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of
10 the New Jersey Board constitute cause for discipline within the meaning of Business and
11 Professions Code sections 2305 and/or 141.

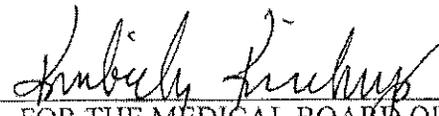
12
13 ORDER

14 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C51462, heretofore
15 issued to Respondent Navrajan Kukreja, M.D., is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on April 7, 2017.

21 It is so ORDERED March 8, 2017.

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24 FOR THE MEDICAL BOARD OF CALIFORNIA
25 DEPARTMENT OF CONSUMER AFFAIRS
26 STATE OF CALIFORNIA
27 KIMBERLY KIRCHMEYER
28 EXECUTIVE DIRECTOR

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1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5696
6 Facsimile: (415) 703-5480
Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO April 19, 2016
BY *R. P. W. A. S.* ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-019474

13 **NAVRAJAN KUKREJA, M.D.**
14 83 Ravine Drive
15 Colonia, NJ 07067

ACCUSATION

16 Physician's and Surgeon's Certificate
17 No. C 51462,

Respondent.

18 Complainant alleges:

PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On or about January 7, 2004, the Medical Board issued Physician's and Surgeon's
23 Certificate Number C 51462 to Navrajan Kukreja, M.D. (Respondent). Said certificate is expired
24 and delinquent as of January 31, 2016.

JURISDICTION

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26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.
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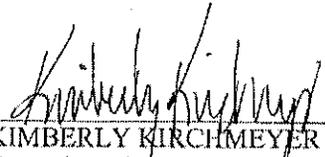
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 51462, issued to Navrajan Kukreja, M.D.;
2. Revoking, suspending or denying approval of Navrajan Kukreja, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
3. Ordering Navrajan Kukreja, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

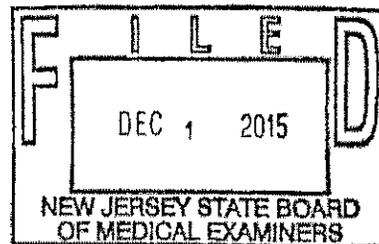
DATED: April 19, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
PO Box 45029
Newark, New Jersey 07102



By: Christopher Salloum
Deputy Attorney General
Attorney ID No. 047842013
Tel. (973) 648-2779

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

IN THE MATTER OF AN INQUIRY INTO :
THE MEDICAL PRACTICE OF : Administrative Action
: :
Navrajan Kukreja, M.D. :
License No. 25MA06261100 :
: :
: :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon the appearance of Navrajan Kukreja, M.D., ("Respondent"), before the Board's Preliminary Evaluation Committee on April 2, 2015. Respondent appeared to discuss (1) his care and treatment of patient M.D. at Excel Surgery Center ("Excel"); (2) allegations that he facilitated the unlicensed practice of medicine while employed at Excel; (3) the Department of Health inspection of Excel, which resulted in multiple violations and citations; and (4) the termination of his temporary privileges at Chilton Medical Center in May 2014.

It appearing that there is good cause for the entry of this

CERTIFIED TRUE COPY

Order, and the Respondent voluntarily and the Board agreeing to the entry of this Order and agreeing to be bound by its terms,

THEREFORE, IT IS on this 1 day of December 2015,

ORDERED AND AGREED that:

1. Respondent shall immediately cease and desist from the practice of medicine and surgery in the State of New Jersey in any setting. This limitation shall specifically include, but shall not be limited to, the issuance of any prescription for, or the dispensation of, medications of any kind within the State of New Jersey, including, but not limited to, Controlled Dangerous Substances;

2. Respondent's prescription pads and all prescription drugs in his possession shall be secured in a safe and locked location that shall be reported to the Board office and to the Drug Control Unit;

3. Respondent shall, as promptly as feasible, undergo a full evaluation and assessment of his knowledge of, and competence to engage in, the practice of anesthesiology, and general practice ("Assessment") at the Upstate New York Clinical Competency Center of Albany Medical College in Albany, New York, or at some other Assessment Center acceptable to the Board's medical director. ("Assessment Center"). The Assessment shall occur on the first available date for an appointment after December 1, 2015. The Assessment and the Assessment Center's accompanying report(s) shall

be completed and provided to the Board within three months of the entry of this Order;

4. Within ten (10) business days of the entry of this Order, Respondent shall provide the Board and the Attorney General with documentation confirming the scheduling of the Assessment or requesting the alternative Assessment Center referenced in paragraph three (3) above;

5. The Board and the Attorney General shall have full and complete access to any communications between Respondent and the Assessment Center, and any reports, recommendations or evaluations issued by the Assessment Center or any consultant that the Assessment Center recommends, including, but not limited to, the release of the Assessment report, any medical or neuropsychological evaluations, and any reports with regard to professional education and practice restrictions, if any;

6. Respondent shall authorize the Assessment Center to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General simultaneously with their provision to Respondent. In addition, Respondent agrees that the Attorney General, the Board, and/or their designees, may communicate directly with the Assessment Center from time to time with regard to any aspect of Respondent's Assessment, and compliance with any recommendations or requirements made as a result of the Assessment;

7. The Attorney General and/or the Board may provide to the Assessment Center whatever information they may possess regarding the Respondent, including, but not limited to, the transcript of Respondent's April 1, 2015 appearance before the Preliminary Evaluation Committee of the Board;

8. Any recommendations, evaluations, or reports issued by the Assessment Center may be introduced as a matter of public record during the course of future disciplinary proceedings, if any;

9. Respondent shall be solely responsible for any and all costs associated with his participation in any evaluation or assessment by the Assessment Center, and Respondent's compliance with any recommendations made by the Assessment Center;

10. Respondent shall fully and satisfactorily complete any and all recommendations the Assessment Center may make, including, but not limited to, recommendations regarding additional evaluations, practice restrictions and professional education;

11. Should the Assessment Center determine any professional deficiencies exist or that Respondent lacks the knowledge and/or ability to practice medicine with reasonable skill and safety, Respondent hereby agrees and acknowledges that the Board, when assessing any petition that the Respondent may file seeking permission to resume the practice of medicine in accordance with paragraph twelve (12) of this Order, may limit Respondent's license

to practice medicine in accordance with any and all deficiencies identified by the Assessment Center until such deficiencies are remediated and proof of remediation has been provided to the Attorney General and to the Board;

12. Upon the completion of the Assessment, Respondent shall be scheduled to appear before the Board, or a committee thereof, to discuss the Assessment and his return to practice. The Board may impose restrictions on his return to practice, including, but not limited to, the full, complete, timely, and continued satisfaction of any and all recommendations made by the Assessment Center for evaluation, professional education, and/or practice restrictions;

13. Failure to comply with the terms of this Order or the Assessment Center's recommendations or requirements with regard to evaluation, practice restrictions or education shall constitute a violation of N.J.A.C. 13:45C-1.2, and shall be deemed professional misconduct within the meaning of N.J.S.A. 45:1-21(e);

14. In the event that the Respondent fails to comply with the terms of this Order or any of the Assessment Center's recommendations or requirements, the Attorney General or the Board may commence a disciplinary proceeding seeking, among other things, the suspension or revocation of Respondent's license to practice medicine and surgery in New Jersey;

15. Respondent shall comply with the applicable portions of the attached Directives, if any. The Directives are incorporated

herein by reference;

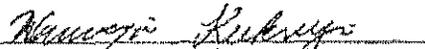
16. This Order is entered without admission of any wrongdoing by Respondent and without prejudice to any further investigation or prosecution of this or any matter by the Board, the Attorney General or any other governmental or law enforcement entity against Respondent.

17. This Order shall not be deemed disciplinary, and, therefore, shall not be reported to the National Practitioner Data Bank and shall not be posted on Respondent's Physician Profile.

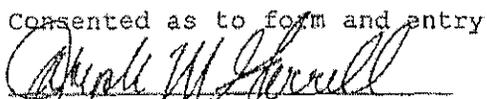
STATE BOARD OF MEDICAL EXAMINERS

By: 
Karen Criss, R.N., C.N.M.
Vice President

I have read the Order. I understand and agree to be bound by its terms.


Navrajan Kukreja, M.D.

Dated: 12-01-2015

Consented as to form and entry

Joseph Gorrell, Esq.
Attorney for Respondent

Dated: 12/1/15