

STATE OF FLORIDA  
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

vs.

KRISHAN KUMER BATRA, M.D.,

Respondent.

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Final Order No. AHCA-96-001388 Date 12/24/96

**FILED**

Agency for Health Care Administration

**AGENCY CLERK**

R.S. Power, Agency Clerk

By: Ronda L. Bryan  
Deputy Agency Clerk

CASE NO.: 96-14565  
LICENSE NO.: ME0030163

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on December 7, 1996, in Tampa, Florida, for consideration of the Emergency Suspension Order imposed by Petitioner (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Larry G. McPherson, Jr., Chief Medical Attorney. Respondent was present and represented by Julie Gallagher, Esquire and William B. Taylor, Esquire. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Emergency Suspension

Order are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Emergency Suspension Order are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent's license to practice medicine is hereby suspended for a period of (3) three years. However, the suspension shall be stayed, provided the Respondent performs 2,080 hours of psychiatric services in a federal, state or county public health clinic or other setting approved by the Board's Probation Committee. The Respondent must provide these services without remuneration of any kind. Additionally, Respondent shall not engage in any other medical practice during the period he is providing volunteer medical services.

2. Upon completion of the 2,080 hours of service, Respondent can petition the Board for reinstatement of his license. At this time, the Respondent shall personally appear before the Board with a practice plan to be approved by the Board.

3. Upon reinstatement, Respondent shall be placed on probation for a period of five (5) years, with terms and conditions to be set at that time. One of the terms of probation shall prohibit the Respondent from billing any Medicaid services.

3. Respondent shall pay an administrative fine in the amount of

\$5,000.00. Said fine shall be paid within one (1) year of the reinstatement of Respondent's license.

4. Within two years of reinstatement, the Respondent shall perform 300 hours of community service, at the rate of 150 hours per year.

5. Respondent's medical license shall receive a REPRIMAND.

This Final Order shall take effect upon being filed with the Clerk of the Agency for Health Care Administration.

DONE AND ORDERED this 24 day of December, 1996.

BOARD OF MEDICINE

M. Kathryn Garrett M.D.

M. KATHRYN GARRETT, M.D.  
CHAIRPERSON

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES, IF REVIEW OF THE FINAL AGENCY DECISION WOULD NOT PROVIDE AN ADEQUATE REMEDY. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE AGENCY FOR HEALTH CARE ADMINISTRATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Krishan Kumer Batra, M.D., 3500 E. Fletcher Ave, # 310 , Tampa, Fla 33602, Julie Gallagher, Esq, Post Office Box 10948, , Tallahassee, Fla 32302-3948, and interoffice delivery to Larry G. McPherson, Chief Medical Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403 at or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_



DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by certified mail to Krishan Kumer Batra, M.D., c/o Julie Gallagher, Esquire, Post Office Box 10948, Tallahassee, Florida 32302-3948; and by interoffice delivery to Larry G. McPherson, Jr., Chief Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

\_\_\_\_\_

Final Order P HCA-96-01312 Date 11-8-96  
FILED

Agency Health Care Administration  
AGENCY CLERK

By: *R.S. Power*, Agency Clerk  
*Deputy Agency Clerk*

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

IN RE: The Emergency Suspension of the License of  
KRISHAN KUMAR BATRA, M.D.  
License Number: ME 0030163  
AHCA Case Number 9614565

ORDER OF EMERGENCY SUSPENSION OF THE LICENSE

Douglas M. Cook, Director of the Agency for Health Care Administration, hereby ORDERS the Emergency Suspension of the license to practice medicine of Krishan Kumar Batra, M.D., (hereinafter referred to as "Respondent). Respondent holds license number ME 0030163. His last known address is 3500 E. Fletcher Avenue, #310, Tampa, Florida 33613. The Emergency Suspension of Respondent's license to practice medicine is supported by the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Agency for Health Care Administration is the state agency charged with regulating the practice of medicine pursuant to Section 20.42 and Chapters 455, and 458, Florida Statutes.
2. Section 455.225(8), Florida Statutes, empowers the Director of the Agency for Health Care Administration to summarily suspend Dr. Batra's license to practice medicine in the State of Florida, in accordance with Section 120.60(6), Florida Statutes (Supp. 1996).
3. Respondent is and has been at all times pertinent to this Order licensed pursuant to Chapter 458, Florida Statutes.



4. On or about October 17, 1996, the Statewide Prosecutor for the State of Florida filed an information in the Circuit Court of the Second Judicial Circuit in and for Leon County charging the Respondent with four counts of having violated Section 409.920(2)(a), Florida Statutes (Medicaid Provider Fraud), a third degree felony.

5. On or about October 23, 1996, the Respondent pled no contest to four counts of Medicaid Provider Fraud, in violation of Section 409.929(2)(a), Florida Statutes, a third degree felony. Respondent was sentenced to four years probation, during which he can treat no Medicaid patients in his private practice, fined \$1000, ordered to make restitution to the State in the amount of \$4934, and ordered to pay court costs of approximately \$10,000.

6. Section 455.245(1), Florida Statutes, provides that the Agency shall issue an emergency order suspending the license of any person licensed under Chapter 458, Florida Statutes, if that person pleads nolo contendere to, regardless of adjudication, a felony under Chapter 409, Florida Statutes.

7. Respondent was convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or the ability to practice medicine, in that the Respondent pled no contest to four felony counts of having violated Section 409.920(2)(a), Florida Statutes, a third degree felony.

10. Based on the foregoing, Respondent violated Section 458.331(1)(c), Florida Statutes by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of

adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

11. The Respondent has committed acts in violation of the statutes governing the practice of medicine.

#### CONCLUSIONS OF LAW

1. The Director of the Agency for Health Care Administration has jurisdiction over this matter pursuant to Section 455.225(8), Florida Statutes.

2. Based on the foregoing Findings of Fact, the Director concludes that the Respondent has violated Section 458.331(1)(c), by being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

3. The Director finds that based on the facts set forth above, the Respondent's continued practice of medicine constitutes an immediate and serious danger to the health, safety and welfare of the public and that this summary suspension procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Sections 120.54(4) and 120.60(6), Florida Statutes (Supp. 1996), it is


#### THEREUPON ORDERED THAT:

1. The license of Krishan Kumar Batra, M.D., license number ME 0030163 is hereby immediately suspended.



2. A proceeding seeking formal suspension or revocation of the license to practice medicine of Krishan Kumar Batra, M.D. will be promptly instituted and acted upon in compliance with Section 120.60(6), Florida Statutes (Supp. 1996), and this order shall be filed in accordance with Section 120.54(4), Florida Statutes (Supp. 1996).

DONE and ORDERED this 8<sup>th</sup> day of November, 1996.

  
DOUGLAS M. COOK

DIRECTOR

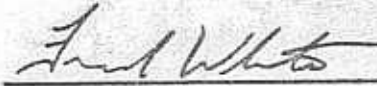
Agency for Health Care Administration  
Post Office Box 14229  
Tallahassee, Florida 32317-4229

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.54(4)(a), Florida Statutes (Supp. 1996), the Agency's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review in accordance with Rule 9.100, Florida Rules of Appellate Procedure, with the Agency for Health Care Administration and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order of Emergency Suspension has been furnished by Certified U.S. Mail and by Request for Hand Delivery to the Respondent, Krishan Kumar Batra, M.D., 3500 E. Fletcher Avenue, #310, Tampa, Florida 33602 this 1 day of November, 1996.

  
L Britt Thomas  
Senior Attorney