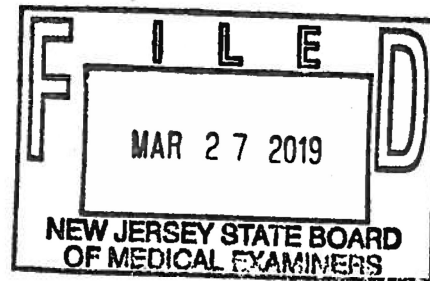


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
OAL DOCKET NUMBER: BDS 01677-2018

IN THE MATTER OF THE SUSPENSION OR
REVOCAION OF THE LICENSE OF

ALEXANDER R. BABAYANTS, M.D.
License No. 25MA06437300
NJ CDS Registration No. D07054000

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

AMENDED

FINAL CONSENT ORDER

This matter was initially opened to the New Jersey State Board of Medical Examiners (the "Board") upon the Attorney General's filing of a six count Verified Administrative Complaint ("Complaint") against Respondent Alexander R. Babayants, M.D. and the simultaneous filing of an Order to Show Cause ordering Dr. Babayants to appear before the Board and show cause why an Order temporarily suspending, or otherwise conditioning or limiting his license, should not be entered by the Board. The action is predicated upon Respondent's treatment of six specific patients, each of whom he treated for mental health disorders, such as Bipolar disorder and Post-Traumatic Stress disorder, for periods spanning multiple years. In each case, it is alleged, without limitation that Dr. Babayants deviated from the standard of care in prescribing Controlled Dangerous Substances

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("CDS"), without properly diagnosing and/or treating his patients' underlying medical conditions, and without properly documenting any diagnosis or treatment. The Attorney General alleged, in each case, that Dr. Babayants violated multiple provisions of the Uniform Enforcement Act, including, but not limited to, N.J.S.A. 45:1-21(c) (engaging in gross negligence), N.J.S.A. 45:1-21(d) (engaging in repeated acts of negligence), and N.J.S.A. 45:1-21(m) (engaging in indiscriminate prescribing). Respondent neither admits or denies the allegations.

On or about January 12, 2018, the Board and Respondent, over the Attorney General's objection, entered into an Interim Order Imposing Limitations on Practice for his New Jersey medical license. This Order continued the prohibition on Dr. Babayants prescribing, dispensing and/or administering any and all CDS to all patients pending the completion of plenary proceedings in this matter and/or further order of the Board.¹ In addition, Respondent was ordered to wind down his private practice within thirty (30) days, work only in an in-patient setting with a Board-approved supervisor and submit to a comprehensive assessment of his practice skills.

If proven, Respondent's conduct as set forth in the Verified Complaint would constitute acts of gross and repeated negligence; professional misconduct; and the indiscriminate prescribing of CDS. The Board finds, if proven, that such conduct provides grounds for the Board to take disciplinary action against Respondent's license to practice medicine in this State pursuant to N.J.S.A. 45:1-21(c), (d), (e) and (m).

¹ On June 5, 2017, an interim order was filed in which Respondent consented to the temporary suspension of his NJ CDS Registration pending further order of the Director. If and when Respondent successfully completes all the terms of this consent order and regains his license to practice medicine, he may reapply for his NJ CDS Registration from the NJ Division of Consumer Affairs.

Dr. Babayants has agreed that after successful re-education, re-evaluation and re-licensing by the Board, he will practice in a Board-approved supervised setting, which by its nature provides structure and oversight.

The Board finding the within disposition adequately protective of the public health, safety and welfare, and relying on Respondent's agreement to practice in a Board-approved supervised setting, and other good cause having been shown,

IT IS, therefore, on this 27th day of MARCH, 2019,

ORDERED THAT:

1. The license to practice medicine and surgery in the State of New Jersey issued to Respondent, Alexander R. Babayants, M.D., License 25MA06437300, is actively suspended for a period of three years. Respondent's period of active suspension shall begin nunc pro tunc on February 10, 2018, the date on which Respondent ceased practicing medicine.

2. Prior to the Board reinstating Respondent's medical license, Respondent shall provide the Board with proof that he has successfully completed (i) a course in recordkeeping; (ii) an eight (8) hour re-certification course on the prescribing of Suboxone (if he chooses to practice addiction medicine); and (iii) a re-education program in general psychiatry (with a specific focus on addiction medicine if he chooses to practice in that specialty). The courses and re-education program must be approved in advance by the Medical Director of the Board (or her designee). Respondent has identified Lifeguard as the entity he wishes to utilize for his re-education program. Lifeguard is approved provided that a curriculum, which shall be tailored towards his specific practice area, is furnished and approved by the Medical Director of the Board (or her designee) in advance of the initiation of the program. Although Respondent has identified Lifeguard, he may select another board-approved program for his re-education and assessment. Successful completion means that all

sessions were attended, all assignments were properly and appropriately completed and a passing grade was achieved which was unconditional and without reservation. Respondent shall bear the cost of the courses and re-education program and shall not use any credits obtained towards the fulfillment of his biennial continuing medical education requirement.

3. Following re-education, Dr. Babayants shall participate in another assessment, which may also be conducted by Lifeguard or any other board-approved assessment program. This assessment shall include an evaluation of Respondent's knowledge base of, and his ability to safely and competently engage in the general practice of psychiatry (and a focus on addiction medicine if he chooses to practice in that specialty). Respondent shall fully and satisfactorily complete all of the requirements of the evaluation and the entirety of any recommendations the assessment entity may make with regard to additional evaluations, practice restrictions, monitoring and/or educational programs.

4. The Board and the Attorney General will have full and complete access to any communications between Respondent and the assessment entity, and will have full and complete access to any reports, recommendations, or evaluations issued by the assessment entity or by any consultant the assessment entity 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. Respondent hereby authorizes the assessment entity to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General simultaneously with their provision to Respondent. In addition, the Board, as well as its agents and employees, including but not limited to the Medical Director of the Board or her designee, may communicate directly with the assessment entity with regard to the Respondent's participation in any evaluation or assessment, monitoring plan, or educational program.

5. The Attorney General and the Board may provide to the assessment entity whatever information they may possess with regard to Respondent. Such submission may include a copy of this Order and all of the filed documents in this matter. Respondent shall be responsible for all costs associated with the assessment.

6. The Respondent may petition for re- instatement of his medical license six months prior to the expiration of the 36-month suspension. As part of his petition for the reinstatement of his license, Respondent shall appear before a Committee of the Board to demonstrate his fitness to resume practice, at a minimum demonstrating his compliance with all of the terms contained herein including successful completion of the agreed upon coursework, successful completion of the assessment, and payment of all penalties and costs. If the Board-approved Post-Licensure Assessment Program finds that Respondent is fit to practice with no limitations, then he shall be granted an unrestricted license to practice medicine. As set forth above, Respondent agrees to voluntarily limit his practice to working in a Board-approved supervised setting. If, however, the Respondent is not found fit to practice or there are practice deficiencies identified which have not been remediated to the Board's satisfaction, the Board expressly reserves the right to impose additional restrictions and/or limitations upon reinstatement.

7. Respondent shall pay costs totaling \$40,000, which represent the Board's costs, including investigation costs, expert fees and attorney's fees. A Certificate of Debt reflecting the \$40,000 currently due and owing shall be filed pursuant to N.J.S.A. 45:1-24 to protect the judgment. In addition, but not in lieu of the filing of the Certificate of Debt, the Board will allow the costs and penalties to be paid in equal monthly installments of \$1111.11 through February 28, 2022. Each payment shall be due on the first business day of each month, commencing on February 28, 2019. In the event that a monthly payment is not received within five days of its due date, the entire balance

shall become due and owing. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11. All payments shall be made by certified bank check, certified check, wire transfer or money order, payable to the State of New Jersey and forwarded to the attention of William Roeder, Executive Director, Board of Medical Examiners, 140 East Front Street, 2nd floor, Trenton, New Jersey 08608. Any payment in a form other than those noted in this Paragraph will be rejected and returned to the sender.

8. Respondent is hereby assessed fines and penalties totaling \$50,000, which shall be stayed in its entirety as long as the Respondent fully complies with all the terms set forth in this order.

9. Respondent shall continue to cease and desist all patient contact at any location in New Jersey and the rendering of medical care, including the issuance of any prescriptions for, or dispensation of, medications of any kind, including but not limited to CDS.

10. Respondent shall not enter the premises of his former medical practice during business hours when patients may be present.

11. Respondent shall not charge, receive or share in any fee for professional services rendered by others. Respondent shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to June 5, 2017.

12. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Within ten days of the filing of this Consent Order, Respondent is to notify William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183 as to where his patient records are secured, and how patients may obtain them.

13. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey until further Order of the Board.

14. Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of medicine until further Order of the Board.

15. Respondent, if he has not already done so, shall return his original New Jersey license, current biennial registration and CDS registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, P.O. Box 183, Trenton, New Jersey 08625-0183.


16. Respondent, if he has not already done so, shall immediately send all of his remaining prescription blanks, along with a cover memorandum indicating that he will no longer be writing prescriptions and asking that his prescription blanks be destroyed pursuant to standard operating procedures, to Dana Pulizzano, Acting Executive Director, Drug Control Unit, P.O. Box 45045, Newark, NJ 07101.

17. Respondent shall comply with the attached "Directives Applicable to Any Medical Board Licensee who is Disciplined or Whose Surrender of Licensure or Cessation of Practice has been Ordered or Agreed Upon."


18. This Final Consent Order shall be a full and final disposition of the Administrative matter docketed as BDS 01677-2018. The Board shall retain jurisdiction to enforce the terms of this Order.

19. The parties hereby stipulate that entry of this Order is without prejudice to further action, investigation, and prosecution by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement resulting from Respondent's conduct not addressed by the terms of this Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

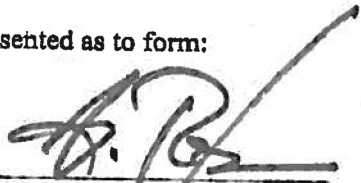
By: 
Paul Carniol, M.D.
President

I have read the within Order,
understand its terms and agree
to be bound by them. I consent
to the entry of this Order.


Alexander Babayants, M.D.

Dated: 3/21/19

Consented as to form:


Keith Roberts, Esq.
Attorney for Respondent

Dated: 3/22/19

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
OR CESSATION OF PRACTICE HAS BEEN ORDERED OR AGREED UPON**

APPROVED BY THE BOARD ON AUGUST 12, 2015

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply when a licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension, surrender or

cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. In situations where the licensee has been subject to the order for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is (suspended), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee subject to the order shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice.¹ The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements

¹
This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

incurred on a patient's behalf prior to the effective date of the Board order.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended or who is ordered to cease practice for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13©. A disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following the entry of the order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that (during the three (3) month period) immediately following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. If the licensee has a website, a notice shall be posted on the website as well.

At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former

patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

6. Payment of Civil and Criminal Penalties and Costs.

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at

its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or Examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.nidoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website. See <http://njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A. 45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.