

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

By: Wendy Leggett Faulk
Deputy Attorney General

FILED

August 8, 2012

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

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

IN THE MATTER OF THE SUSPENSION :	:	
OR REVOCATION OF THE LICENSE OF :	:	ADMINISTRATIVE ACTION
:	:	
:	:	
:	:	
ROHAN L. WIJETILAKA, M.D. :	:	ORDER OF
LICENSE NO. 25MA05640900 :	:	IMMEDIATE SUSPENSION
:	:	PURSUANT TO
:	:	<u>N.J.S.A. 45:9-19.16a</u>
TO PRACTICE MEDICINE AND SURGERY :	:	
IN THE STATE OF NEW JERSEY :	:	
:	:	

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter the "Board") by Jeffrey S. Chiesa, Attorney General of New Jersey (Wendy Leggett Faulk, Deputy Attorney General, appearing) upon receipt of information revealing the following:

1. Respondent, Rohan L. Wijetilaka, M.D., is the holder of License No. 25MA05640900 and was first licensed to practice medicine and surgery in the State of New Jersey in 1991.

2. On or about November 10, 2011, the New York State Department of Health, Office of Professional Medical Conduct (OPMC)

CERTIFIED TRUE COPY

filed a Statement of Charges with the New York State Board for Professional Medical Conduct (NY State Board) alleging forty-one (41) specifications of professional misconduct by Respondent, including gross negligence, negligence on more than one occasion, incompetence on more than one occasion, unwarranted tests, fraudulent practice, filing false reports, and failing to maintain adequate medical records. A copy of the Notice of Hearing and Amended Statement of Charges is attached hereto as Exhibit A. The specifications related to Respondent's care and treatment of seven (7) patients.

3. A Hearing Committee of the NY State Board conducted a full hearing in the matter, and heard testimony from three witnesses: a cardiovascular expert for the OPMC, Respondent's cardiology expert, and Respondent himself. During the hearing, Respondent submitted additional medical records for the patients at issue, claiming the documents were additional portions of the record he did not previously provide to the OPMC during its investigation.

4. On or about June 21, 2012, the NY State Board issued a Determination and Order unanimously sustaining all forty-one (41) specifications of professional misconduct set forth in the Statement of Charges against Respondent. The Order revoked Respondent's license to practice medicine in the State of New York, effective upon service. The Order also assessed a civil penalty of \$50,000.00 payable within sixty (60) days of the effective date of the Order. A copy of the Determination and Order is attached hereto as

Exhibit B.

5. The NY State Board found that Respondent followed a pattern of seeing patients over a course of several years and ordering tests, while consistently failing to obtain adequate histories or implement appropriate treatment plans. The NY State Board expressly found that Respondent's failure to provide his patients with even the most minimal medical care or to give due consideration of the outcome of the tests which he administered demonstrated that Respondent's sole motivation for seeing patients was his own financial benefit, without regard for his patients' well-being.

6. The NY State Board determined that Respondent performed multiple diagnostic tests which were not warranted by the patients' medical conditions, and he billed for diagnostic tests which he did not perform.

7. The NY State Board concluded that Respondent lacks integrity, as evidenced by his alteration of patients' medical records, his submission of altered records during the hearing, and his inconsistent and evolving attempts to explain his misconduct.

8. The NY State Board's findings are grounded on facts that demonstrate Respondent's continued practice would endanger or pose a risk to public health or safety pending a determination of findings by this Board. Pursuant to N.J.S.A. 45:9-19.16a, the revocation of Respondent's New York license on these grounds requires this Board to act immediately to suspend Respondent's New Jersey license, pending a determination of findings.

9. The NY State Board's findings are also grounded on facts which would provide a basis for disciplinary sanction in this State. Pursuant to N.J.S.A. 45:9-19.16a, the revocation of Respondent's New York license on these grounds requires this Board to act immediately to suspend Respondent's New Jersey license, pending a determination of findings by the Board.

10. On July 25, 2012, Respondent was arrested in New York by federal agents and charged with the illegal distribution of controlled dangerous substances (CDSs). The sworn criminal complaint states that on April 23, 2012, Respondent was recorded issuing CDS prescriptions for two patients, one of whom was not present before him, without examining either patient or identifying any condition for which the painkiller was being prescribed. Respondent's receptionist accepted cash for the prescriptions. The criminal complaint also states that between 2006 and 2012, the Yonkers Police Department of New York received at least thirty (30) reports from pharmacists regarding the frequency with which Respondent prescribed CDSs, and several patients reported to police that Respondent sold drug prescriptions in exchange for permission to bill patients' insurance providers for unnecessary tests. A copy of the Sealed Complaint is attached hereto as Exhibit C.

11. Respondent was released from federal custody on July 26, 2012 upon execution of a \$200,000 bond. The conditions of his release expressly prohibit Respondent's practice of medicine, including writing prescriptions, while the criminal matter is

pending. A copy of Respondent's Bail Disposition is attached hereto as Exhibit D.

12. The sworn criminal complaint and Bail Disposition are documentary evidence that Respondent's authority to practice medicine in New York was curtailed for acts committed prior to the NY State Board's revocation of his license to practice medicine. The facts underlying the basis for Respondent's arrest and practice restriction demonstrate that Respondent's continued practice would endanger or pose a risk to public health or safety pending a determination of findings by this Board. Pursuant to N.J.S.A. 45:9-19.16a, this Board must act immediately to suspend Respondent's New Jersey license, pending a determination of findings.

13. Respondent's arrest and practice restriction are also grounded on facts which would provide a basis for disciplinary sanction in this State. Pursuant to N.J.S.A. 45:9-19.16a, this Board may act immediately to suspend Respondent's New Jersey license, pending a determination of findings by the Board.

ACCORDINGLY, IT IS ON THIS 8th day of August 2012,

ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is immediately suspended pursuant to N.J.S.A. 45:9-19.16a and effective as of the date of service of this Order. Respondent shall comply with the Directives Applicable to Any Medical Board Licensee Who is Disciplined, which are attached hereto and

incorporated herein.

2. All documentation from the New York State Department of Health, State Board for Professional Medical Conduct, as referenced herein as Exhibits A and B, shall be made part of the record and establish conclusively the facts upon which this Board relies in suspending Respondent's license to practice medicine and surgery in New Jersey, pursuant to N.J.S.A. 45:9-19.16a.

3. All documentation pertaining to Respondent's arrest and release in July 2012, as referenced herein as Exhibits C and D, shall be made part of the record and establish conclusively the facts upon which this Board relies in suspending Respondent's license to practice medicine and surgery in New Jersey, pursuant to N.J.S.A. 45:9-19.16a.

4. Pursuant to N.J.S.A. 45:9-19.16a, the Board hereby provides Respondent an opportunity to submit to the Board relevant evidence in mitigation of the ultimate discipline to be imposed. At Respondent's request and upon a Board determination he has shown good cause, the Board shall provide Respondent an opportunity for oral argument, only as to the ultimate discipline to be imposed by the Board. Oral argument may be conducted before the Board or a Committee to which it has delegated authority to hear argument and make a recommendation to the Board.

5. The Board shall make a final determination as to discipline within sixty (60) days of the date this Order is mailed to or personally served upon Respondent. Any and all requests by

Respondent, including a request for oral argument and/or a proffer of mitigating evidence, shall be submitted not later than twenty-one (21) days of the date hereof, unless otherwise provided by the Board.

STATE BOARD OF MEDICAL EXAMINERS

By: GEORGE J. SCOTT, D.O.
George J. Scott, D.P.M., D.O.
President