

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

November 9, 2011

Narendra Kumar Agrawal, M.D.  
89 Cedargate  
Galion, OH 44833

RE: Case No. 09-CRF-152

Dear Doctor Agrawal:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Danielle R. Blue, Esq., Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 9, 2011, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board and the Franklin County Court of Common Pleas. The Notice of Appeal must set forth the Order appealed from and state that the State Medical Board's Order is not supported by reliable, probative, and substantive evidence and is not in accordance with law. The Notice of Appeal may, but is not required to, set forth the specific grounds of the appeal. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

*Lance A. Talmage, MD*  
Lance A. Talmage, M.D. *by authorization*  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 91 7199 9991 7030 3376 8533  
RETURN RECEIPT REQUESTED

*Mailed 11-10-11*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on November 9, 2011, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Narendra Kumar Agrawal, M.D., Case No. 09-CRF-152, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

  
Lance A. Talmage, M.D. by authorization  
Secretary

(SEAL)

November 9, 2011

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

CASE NO. 09-CRF-152

NARENDRA KUMAR AGRAWAL, M.D. \*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on November 9, 2011.

Upon the Report and Recommendation of Danielle R. Blue, State Medical Board Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

The certificate of Narendra Kumar Agrawal, M.D., to practice medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

  
Lance A. Talmage, M.D. *by authorization*  
Secretary

(SEAL)

November 9, 2011

Date

2011 SEP 28 PM 4: 26

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**In the Matter of**

\*

**Case No. 09-CRF-152**

**Narendra Kumar Agrawal, M.D.**

\*

**Hearing Examiner Blue**

**Respondent.**

\*

**REPORT AND RECOMMENDATION**

Basis for Hearing:

By letter dated December 9, 2009, the State Medical Board of Ohio [Board] notified Narendra Kumar Agrawal, M.D., that it had immediately suspended his certificate to practice medicine and surgery in Ohio pursuant to Ohio Revised Code Section [R.C.] 3719.121(C) and had proposed to take other disciplinary action against his certificate. The Board based its proposed actions on an allegation that Dr. Agrawal had pleaded guilty to and had been found guilty of two felony counts of Illegal Distribution of Oxycodone, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(C); one felony count of Illegal Distribution of Hydrocodone, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(D); one felony count of Illegal Distribution of Alprazolam, in violation of 21 U.S.C. 841(a)(1) and (b)(2); and one felony count of Maintaining a Premises for the Purpose of Illegally Distributing Controlled Substances, in violation of 21 U.S.C. §856(a)(1).

The Board alleged that Dr. Agrawal's acts, conduct, and/or omissions constituted:

- "A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in R.C. 4731.22(B)(9).
- "Selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as set forth in R.C. 4731.22(B)(3).

Accordingly, the Board advised Dr. Agrawal of his right to request a hearing in this matter. By letter filed on January 4, 2010, Dr. Agrawal requested a hearing. (State's Exhibits [St. Exs.] 1A, 1B)

Appearances:

Richard Cordray, Attorney General, and Henry G. Appel, Assistant Attorney General, for the State of Ohio.<sup>1</sup>

Hearing Date: September 7, 2011

**PROCEDURAL MATTER**

The hearing record was held open until September 14, 2011, to allow Dr. Agrawal additional time to submit his written statement. On September 13, 2011, Dr. Agrawal submitted a copy of his written statement. The State did not have an objection. Dr. Agrawal's written statement was marked as Respondent's Exhibit A and admitted into evidence. The hearing record closed on September 14, 2011.

**SUMMARY OF THE EVIDENCE**

All evidence admitted in this matter, even if not specifically mentioned, was thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

**Background Information**

1. Narendra Kumar Agrawal, M.D., obtained his medical degree in 1973 from Government Medical College, Vadodara University, in India. He was first licensed to practice in Ohio in 1979. Dr. Agrawal's license is currently inactive. (Ohio eLicense Center, at <http://license.ohio.gov/lookup/>, accessed on September 27, 2011).

**Criminal Convictions**

2. On July 21, 2010, a Superseding Indictment was filed in the United States District Court for the Northern District of Ohio, Eastern Division, charging Dr. Agrawal with two felony counts of Illegal Distribution of Oxycodone, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(C); one felony count of Illegal Distribution of Hydrocodone, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(D); one felony count of Illegal Distribution of Alprazolam, in violation of 21 U.S.C. 841(a)(1) and (b)(2); and one felony count of Maintaining a Premises for the Purpose of Illegally Distributing Controlled Substances, in violation of 21 U.S.C. §856(a)(1). (St. Ex. 3)

---

<sup>1</sup> Dr. Agrawal did not appear at the hearing. However, he submitted a written statement, as allowed by Ohio Administrative Code [Rule] 4731-13-01(E).

3. On October 13, 2009, Dr. Agrawal entered into a plea agreement in which he pleaded guilty to the felonies charged. On December 3, 2009, the court accepted his plea agreement and found Dr. Agrawal guilty of two counts of Illegal Distribution of Oxycodone and one count each of Illegal Distribution of Hydrocodone, Illegal Distribution of Alprazolam, and Maintaining a Premises for the Purpose of Illegally Distributing Controlled Substances. As part of his plea agreement, he also acknowledged that the United States could prove the following beyond a reasonable doubt:

- From in or about June 2007 through November 2008, Dr. Agrawal engaged in a scheme whereby he did repeatedly, unlawfully, intentionally and knowingly dispense and distribute, hydrocodone (primarily Vicodin, Lortab, Lorcet or a generic form thereof), a Schedule III controlled substance, to various individuals, for a total of approximately 118,662 tablets, outside the usual course of professional medical practice and not for a legitimate medical purpose.
- From in or about June 2007 through November 2008, Dr. Agrawal engaged in a scheme whereby he did repeatedly, unlawfully, intentionally and knowingly dispense and distribute, alprazolam (Xanax or a generic form thereof), a Schedule IV controlled substance, to various individuals, for a total of approximately 229,305 tablets, outside the usual course of medical practice and not for a legitimate medical purpose.
- From in or about June 2007 through November 2008, Dr. Agrawal did knowingly and intentionally open, lease, rent, use, or maintain a building, room, enclosure, or other place, namely Rapid Response Medical Center, in Galion, Ohio for the purpose of unlawfully distributing invalid and illegal prescriptions for Schedule II through IV controlled substances.
- Between October 2007 through October 2008, approximately 81% of the office visits Dr. Agrawal conducted resulted in issuing a prescription for oxycodone, hydrocodone, or alprazolam. Many times, when he issued a prescription for a oxycodone or hydrocodone product, he also issued an accompanying prescription for alprazolam.

(St. Ex. 4)

4. As set forth in the Judgment Entry filed on December 3, 2009, the court imposed a sentence of 33 months in prison as to each felony count to be followed by supervised release for 3 years. The court further ordered that the United States is authorized to seize several of Dr. Agrawal's properties and ordered Dr. Agrawal to pay a fine of \$500.00.

(St. Ex. 5)

5. The court ordered Dr. Agrawal to voluntary surrender for service of his sentence on December 31, 2011. (St. Exs. 6, 7)

### **Dr. Agrawal's Response**

6. Dr. Agrawal did not appear at the hearing. However, Dr. Agrawal submitted the following written statement:

To the Ohio State Medical Board,

I consent to volunteer surrender of Ohio medical license # 35-04-043773 in lieu of any and all legal actions and proceedings against me. This includes but is not limited to case # 09-CRF-152, ORC 4731.22, ORC 3719.121111111(C), OAC 4777731.13.01(D), 4731-13-16(A) & (B), ORC 4731.22(B)(9)(3).

(Respondent's Exhibit A)

### **FINDING OF FACT**

On December 3, 2009, in the United States District Court for the Northern District of Ohio, Eastern Division, Narendra Kumar Agrawal, M.D., pleaded guilty to and was found guilty of two felony counts of Illegal Distribution of Oxycodone, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(C); one felony count of Illegal Distribution of Hydrocodone, in violation of 21 U.S.C. §841(a)(1) and (b)(1)(D); one felony count of Illegal Distribution of Alprazolam, in violation of 21 U.S.C. 841(a)(1) and (b)(2); and one felony count of Maintaining a Premises for the Purpose of Illegally Distributing Controlled Substances, in violation of 21 U.S.C. §856(a)(1). As set forth in the Judgment Entry filed on December 3, 2009, the court imposed a sentence of imprisonment of 33 months as to each felony count to be followed by supervised release for 3 years. The court further authorized the United States to seize several of Dr. Agrawal's properties and ordered Dr. Agrawal to pay a fine of \$500.00.

### **CONCLUSIONS OF LAW**

1. The plea of guilty and/or judicial finding of guilt of Narendra Kumar Agrawal, M.D., as set forth above in the Finding of Fact individually and/or collectively, constitutes a "plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony," as set forth in R.C. 4731.22(B)(9).
2. Further, the acts, conduct, and/or omissions of Dr. Agrawal, as set forth in the Finding of Fact, individually and/or collectively, constitute "[s]elling, giving away, personally

furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as set forth in R.C. 4731.22(B)(3).

### **DISCUSSION CONCERNING THE PROPOSED ORDER**

Dr. Agrawal's criminal convictions warrant a permanent revocation of his certificate to practice medicine and surgery in Ohio. Dr. Agrawal acknowledged that he had knowingly dispensed and distributed controlled substances for other than legitimate medical purposes for more than a year. Dr. Agrawal does not dispute the State's evidence concerning his criminal convictions and offered no explanation for his conduct. Therefore, a permanent revocation is recommended.

### **PROPOSED ORDER**

It is hereby ORDERED that:

The certificate of Narendra Kumar Agrawal, M.D., to practice medicine and surgery in the State of Ohio is hereby PERMANENTLY REVOKED.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Danielle R. Blue, Esq.  
Hearing Examiner

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

## EXCERPT FROM THE DRAFT MINUTES OF NOVEMBER 9, 2011

### REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Suppan announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Suppan asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law, Proposed Orders, and any objections filed in the matters of: Narendra Kumar Agrawal, M.D.; Michele Armande Oyortey, M.D.; George Franklin Calloway, M.D.; Howard Chad Larky, D.O.; and Brent Edward Odson, M.T.

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Amato	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

Dr. Suppan asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Amato	- aye
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

Dr. Suppan noted that, in accordance with the provision in section 4731.22(F)(2), Ohio Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Dr. Amato served as Supervising Member.

Dr. Suppan reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....  
NARENDRA KUMAR AGRAWAL, M.D., Case No. 09-CRF-152  
.....

**Dr. Steinbergh moved to approve and confirm Ms. Blue's Findings of Fact, Conclusions of Law, and Proposed Order in the matter of Narendra Kumar Agrawal, M.D. Mr. Hairston seconded the motion.**

.....  
A vote was taken on Dr. Steinbergh's motion to approve:

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Suppan	- aye
	Dr. Amato	- abstain
	Ms. Elsass	- aye
	Dr. Ramprasad	- aye

The motion to approve carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

## NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

December 9, 2009

Case number: 09-CRF- *152*

Narendra Kumar Agrawal, M.D.  
89 Cedargate  
Galion, OH 44833

Dear Doctor Agrawal:

In accordance with Sections 2929.42 and/or 3719.12, Ohio Revised Code, the United States Attorney's Office, Northern District of Ohio, reported that on or about December 3, 2009, in the United States District Court for the Northern District of Ohio, Eastern Division [ U.S. District Court for the Northern District of Ohio], the court accepted an October 13, 2009 Plea Agreement in which you pled guilty to two felony counts of 21 U.S.C. §841(a)(1) and (b)(1)(C), Illegal Distribution Of Oxycodone; one felony count of 21 U.S.C. §841(a)(1) and (b)(1)(D), Illegal Distribution Of Hydrocodone; one felony count of 21 U.S.C. §841(a)(1) and (b)(2), Illegal Distribution Of Alprazolam; and one felony count of 21 U.S.C. §856(a)(1), Maintaining A Premise For The Purpose Of Illegally Distributing Controlled Substances.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio, which is currently inactive for non-renewal, is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

*Mailed 12-10-09*

Suspension

Narendra Kumar Agrawal, M.D.

Page 2

- (1) On or about December 3, 2009, in the U.S. District Court for the Northern District of Ohio, the court accepted an October 13, 2009 Plea Agreement in which you pled guilty to two felony counts of 21 U.S.C. §841(a)(1) and (b)(1)(C), Illegal Distribution Of Oxycodone; one felony count of 21 U.S.C. §841(a)(1) and (b)(1)(D), Illegal Distribution Of Hydrocodone; one felony count of 21 U.S.C. §841(a)(1) and (b)(2), Illegal Distribution Of Alprazolam; and one felony count of 21 U.S.C. §856(a)(1), Maintaining A Premise For The Purpose Of Illegally Distributing Controlled Substances.
- (2) As part of your plea agreement, you acknowledged that the United States could prove beyond a reasonable doubt that:
  - (a) From in or about June 2007, through November 2008, you either knowingly dispensed and distributed or caused to be dispensed and distributed, outside the usual course of professional medical practice and not for a legitimate medical purpose, hydrocodone, a Schedule III controlled substance, to various individuals, totaling approximately 188,662 tablets;
  - (b) From in or about June 2007, through November 2008, you either knowingly dispensed and distributed or caused to be dispensed and distributed, outside the usual course of medical practice and not for a legitimate medical purpose, alprazolam, a Schedule IV controlled substance, to various individuals, totaling approximately 229,305 tablets; and
  - (c) From in or about June 2007, through November 2008, you knowingly and intentionally operated a medical office in Galion, Ohio for the purpose of unlawfully distributing controlled substances.

The facts as alleged in paragraphs (1) and (2) above, individually and/or collectively constitute “[a] plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony,” as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, the facts as alleged in paragraphs (1) and (2) above, individually and/or collectively constitute “[s]elling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,” as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

Suspension  
Narendra Kumar Agrawal, M.D.  
Page 3

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/SRS/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3070 8846  
RETURN RECEIPT REQUESTED

cc: John Pyle  
Gold & Pyle Co., LPA  
526 Superior Ave. NE, Suite 1140  
Cleveland, Ohio 44114-1498

CERTIFIED MAIL #91 7108 2133 3936 3070 8839  
RETURN RECEIPT REQUESTED