



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

May 23, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Shiva Kotturi, M.D.
133 Christie Street
Edison, NJ 08820

RE: License No. 196302

Dear Dr. Kotturi:

Enclosed please find Order #BPMC 02-173 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect May 23, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert J. McCutcheon, Esq.
Mayo and McCutcheon
73 Paterson Street
New Brunswick, NJ 08903

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SHIVA KOTTURI, M.D.
CO-02-04-1651-A

SURRENDER
ORDER
BPMC No. 02-173

SHIVA KOTTURI, M.D. says:

On or about July 1, 1994, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 196302 by the New York State Education Department. I currently reside at 133 Christie Street, Edison, NJ 08820.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict

confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

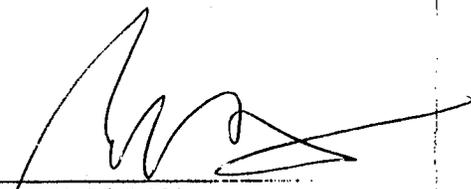
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: May 8, 2002


SHIVA KOTTURI, M.D.
Respondent

AGREED TO:

Date: 15 May, 2002


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 20 May, 2002


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

STATE OF NEW YORK DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
SHIVA KOTTURI, M.D.
CO-02-04-1651-A

STATEMENT
OF
CHARGES

SHIVA KOTTURI, M.D., the Respondent, was authorized to practice medicine in New York state on July 1, 1994, by the issuance of license number 196302 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about February 21, 2002, the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Medical Examiners (hereinafter "New Jersey Board"), by a Final Order (hereinafter "New Jersey Order"), suspended Respondent's license to practice medicine and surgery in the State of New Jersey, for five (5) years, the first two (2) years to be served as active suspension, the remaining three (3) years stayed and to be served as probation, required him to complete an ethics course, and to pay a \$52,500.00 civil penalty and \$6,832.07 costs, based on Respondent authorizing and billing for allergy and pulmonary tests found to be unnecessary and unwarranted, gross negligence, and incomplete recordkeeping.

B. The conduct resulting in the New Jersey Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(4) (practicing the profession with gross negligence); and/or
3. New York Education Law §6530(32) (failure to maintain accurate records).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *May 10*, 2002
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER

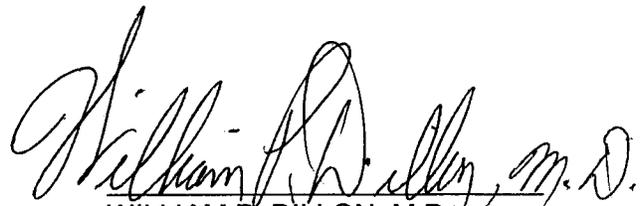
Upon the proposed agreement of **SHIVA KOTTURI, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 5/22, 2002



WILLIAM F. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct