



Mark R. Chassin, M.D., M.P.P., M.P.H.  
Commissioner

C. Maynard Guest, M.D.  
Executive Secretary

April 29, 1993

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Vinod Kumar Garg, M.D.  
794 North Calaneras Drive  
Walnut, CA 91789

Effective Date: 5/6/93  
RE: License No. 154967

Dear Dr. Garg:

Enclosed please find Order #BPMC 93-67 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :

OF :

VINOD KUMAR GARG, M.D. :

ORDER

BPMC 93-67

-----X

Upon the application of VINOD KUMAR GARG, M.D.  
(Respondent) for Consent Order, which application is made a part  
hereof, it is

ORDERED, that the application and the provisions  
thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the  
date of the personal service of this order upon Respondent, upon  
receipt by Respondent of this order via certified mail, or seven  
days after mailing of this order by certified mail, whichever is  
earliest.

SO ORDERED,

DATED: 27 April 1993

Charles J. Vacanti

Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
VINOD KUMAR GARG, M.D. : CONSENT  
: ORDER  
-----X

STATE OF CALIFORNIA )  
COUNTY OF LOS-ANGELES ) SS.:

VINOD KUMAR GARG, M.D., being duly sworn, deposes and says:

That on or about July 8, 1983, I was licensed to practice as a physician in the State of New York, having been issued License No. 154967 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York. I currently reside at 794 North Calaveras Drive, Walnut, California 91789.

I understand that the New York State Board of Professional Medical Conduct has charged me with six Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification in the Statement of Charges with respect to paragraphs A and A1 of the Factual Allegations in full satisfaction of the charges against me.

I hereby agree to the penalty of a six month actual suspension followed by a six month stayed suspension with probation during the period of actual and stayed suspension.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, 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 Application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

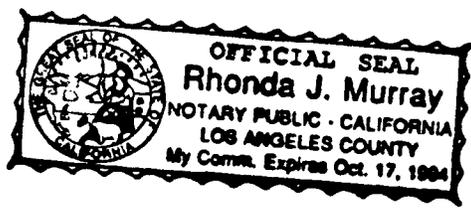
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

*Vinod Garg*

VINOD KUMAR GARG, M.D.  
RESPONDENT

Sworn to before me this  
12 day of April, 1993.

*Rhonda J. Murray*  
NOTARY PUBLIC



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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
VINOD KUMAR GARG, M.D. : CONSENT  
: ORDER  
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 4/12/93

VK Garg  
VINOD KUMAR GARG, M.D.  
RESPONDENT

Date: 4/13/93

Martin Schaum  
MARTIN SCHAUM  
ATTORNEY FOR RESPONDENT

Date: 4/15/93

Denise Lepicier  
DENISE LEPICIER  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: April 28, 1993

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 27 April 1993

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

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

-----X  
IN THE MATTER :  
OF : NOTICE  
VINOD GARG, M.D. : OF  
-----X : HEARING

TO: VINOD GARG, M.D.  
794 North Calaveras Drive  
Walnut, California 91789

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1993) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1993). The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 15th day of April, 1992 at 10:00 in the forenoon of that day at the 6th floor, 5 Penn Plaza, New York, New York and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce

witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the Administrative Law Judge's Office, Empire State Plaza, Tower Building, 25th Floor, Albany, New York 12237, (518-473-1385), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law Section 230 (McKinney 1990 and Supp. 1993), you may file an answer to the Statement of Charges not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, Section 51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the

Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A RECOMMENDATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO THE OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW Section 230-a (McKinney Supp. 1993). YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York

*February 17, 1993*

  
CHRIS STERN HYMAN  
Counsel

Inquiries should be directed to: Denise Lepicier  
Assistant Counsel  
6th floor  
5 Penn Plaza  
New York, New York 10001

Telephone No.: (212) 613-2617

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
VINOD KUMAR GARG, M.D. : CHARGES  
-----X

VINOD KUMAR GARG, M.D., the Respondent, was authorized to practice medicine in New York State on July 8, 1983, by the issuance of license number 154967 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

- A. Patient A was admitted to St. John's Queens Hospital, of the Catholic Medical Center of Brooklyn and Queens, at 88-25 153rd Street, Jamaica, New York 11432, on or about November 6, 1989. (Patient A is identified in the attached appendix.) On or about November 8, 1989, Respondent operated on Patient A, resected some small and large intestine and closed a colostomy. Patient A did not do well

post-operatively and a CT scan of the abdomen and pelvis on or about November 20, 1989, revealed a large mass in the left abdomen and pelvis compatible with an abcess. On or about November 21, 1989, Respondent performed an exploratory laparotomy on Patient A. During the operation, Respondent removed an extra laparotomy pad from the abcess cavity.

1. Respondent knowingly and intentionally sought to conceal his discovery of the extra laparotomy pad.
2. Respondent knowingly and intentionally ordered an abdominal X-ray, despite the fact that he knew it was unnecessary.
3. Respondent knowingly and intentionally failed to note the discovery of the lap pad in any of the relevant records for Patient A until ordered to do so.

4. At some time between January 31, 1990, and November 2, 1992, Respondent knowingly and intentionally altered Patient A's hospital record.

### SPECIFICATIONS

#### FIRST SPECIFICATION

##### PRACTICING FRAUDULENTLY

Respondent is charged with professional misconduct by reason of practicing medicine fraudulently, within the meaning of New York Education Law Section 6530(2) (McKinney Supp. 1993), in that Petitioner charges the following:

1. The facts in paragraphs A and A1; A and A2; A and A3; and/or A and A4.

## SECOND SPECIFICATION

### MORAL UNFITNESS

Respondent is charged with professional misconduct by reason of conduct in the practice of medicine which evidences moral unfitness to practice medicine, within the meaning of New York Education Law Section 6530(20) (McKinney Supp. 1993), in that Petitioner charges the following:

2. The facts in paragraphs A and A1; A and A2; A and A3; and/or A and A4.

## THIRD AND FOURTH SPECIFICATIONS

### FILING A FALSE REPORT

Respondent is charged with professional misconduct by reason of willfully making and filing a false report, within the meaning of New York Education Law Section 6530(21) (McKinney Supp. 1993), in that Petitioner charges the following:

3. The facts in paragraphs A and A3.

4. The facts in paragraphs A and A4.

#### FIFTH SPECIFICATION

##### FAILING TO MAINTAIN A RECORD

Respondent is charged with professional misconduct by reason of failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, within the meaning of New York Education Law Section 6530(32) (McKinney Supp. 1993), in that Petitioner charges the following:

5. The facts in paragraphs A and A3.

#### SIXTH SPECIFICATION

##### ORDERING EXCESSIVE TESTS

Respondent is charged with professional misconduct by reason of the ordering of excessive tests, within the meaning of New York

Education Law Section 6530(35) (McKinney Supp. 1993), in that  
Petitioner charges the following:

6. The facts in paragraphs A and A2.

DATED: New York, New York

February 17, 1993



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Chris Stern Hyman  
Counsel  
Bureau of Professional  
Medical  
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. VINOD KUMAR GARG, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by his profession and with all civil and criminal laws, rules and regulations;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of the address and telephone number of any and all employment and practice by the Respondent, of Respondent's residence and telephone number, and of any change in Respondent's employment, practice, residence, or telephone numbers within or without the State of New York;
3. Should Respondent return to or depart from the State of New York for the purposes of employment, practice or residence, the Respondent shall notify the Director of the Office of Professional Medical Conduct, in writing, of the date of Respondent's return to or departure from the State of New York;
4. Respondent shall notify the Director of the Office of Professional Medical Conduct, in writing, of any and all investigations, charges, convictions and/or disciplinary actions taken by any local, state or federal agency, institution or facility, against him within thirty days of the commencement of any such action or procedure against him;
5. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
6. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently

registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

7. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
8. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York, including, but not limited to, the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32);
9. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.