



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

# PUBLIC

February 1, 2001

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> Floor  
Troy, New York 12180

Richard J. Zahnleuter, Esq.  
NYS Department of Health  
433 River Street – 5<sup>th</sup> Floor  
Troy, New York 12180

Bakshi Medical Services, P.C.  
c/o Jatinder Bakshi, M.D.  
12 Townsend Lane  
Hicksville, New York 11580

### **RE: In the Matter of Bakshi Medical Services, P.C.**

Dear Parties:

Enclosed please find the Determination and Order (No. 01-23A) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

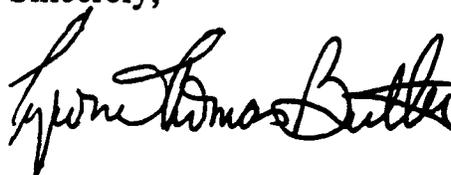
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:cah  
Enclosure

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

**COPY**

**DETERMINATION**

**AND**

**ORDER**

**BPMC #01-23A**

**IN THE MATTER  
OF  
BAKSHI MEDICAL SERVICES, P.C.**

A Notice of Referral Proceeding and Statement of Charges, both dated, November 3, 2000, were served upon the Respondent, **BAKSHI MEDICAL SERVICES, P.C.**

**STEVEN GRABIEC, M.D.**, Chairperson, **STEVEN LAPIDUS, M.D.** and **SR. MARY THERESA MURPHY**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on January 18, 2001, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **DONALD P. BERENS, JR., ESQ.**, General Counsel, by **RICHARD J. ZAHNLEUTER, ESQ.**, and **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent failed to appear.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). A copy of the Notice of Referral Proceeding and the Statement of Charges is attached to this Determination and Order as Appendix 1.

**WITNESSES**

For the Petitioner:	None
For the Respondent:	None

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **BAKSHI MEDICAL SERVICES, P.C.**, the Respondent, is a professional service corporation that was authorized to practice medicine in New York State on or about February 1, 1996, by the New York State Education Department. (Pet's. Ex. 4)
  
2. The Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of Title II-A of Article 2 of the New York Public Health law, pursuant to Section 1503(d) of the New York Business Corporation Law. (Pet's. Ex. 10)
  
3. On or about February 1, 1996 through at least November 18, 1999, Jatinder S. Bakshi, M.D., was the President and sole shareholder of Respondent. (Pet's Ex. 4)
  
4. On November 17, 1999, Jatinder S. Bakshi, M.D., directed that pleas of guilty be entered on behalf of the Respondent to charges of violating Penal Law §460.20, Enterprise Corruption, a Class B Felony, and Penal Law §190.65, Scheme to Defraud in the First Degree, a Class E Felony. (Pet's Ex. 5)

5. On November 18, 1999, in Supreme Court, State of New York, County of Kings, Criminal Term, Part 11, the Respondent's guilty pleas were accepted and the Respondent was sentenced to a conditional discharge. (Pet's Ex. 5)

**VOTE OF THE HEARING COMMITTEE**  
(All Votes Were Unanimous Unless Otherwise Specified)

**SPECIFICATIONS**

Respondent violated New York State Education Law §6530(9)(a)(i) by reason of having been found guilty of committing a crime under New York State law.

**VOTE: SUSTAINED (3-0)**

**HEARING COMMITTEE DETERMINATION**

The record in this case indicates that the Respondent pleaded guilty to Enterprise Corruption (Penal Law §460.20), a Class B Felony, and Scheme to Defraud in the First Degree (Penal Law §190.65), a Class E Felony.

The Respondent did not appear at the instant hearing and there are no mitigating circumstances to be considered by the Hearing Committee.

The Hearing Committee determines that the Respondent's certificate of Incorporation should be REVOKED.



**APPENDIX I**

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

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IN THE MATTER  
OF  
BAKSHI MEDICAL SERVICES, P.C.

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NOTICE OF  
REFERRAL  
PROCEEDING

TO: **Bakshi Medical Services, P.C.**

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law § 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 13<sup>th</sup> day of December, 2000, at 10:00 in the forenoon of that day at the Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5<sup>th</sup> Floor, 433 River Street, Troy, New York, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of

EXHIBIT

*Stu Ev 11/18/00*

Adjudication") as well as the Department of Health attorney indicated below, on or before December 4, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge of Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before December 4, 2000, and a copy of all papers must be served on the same date on the Department of Health attorney indicated 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 to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health whose name appears below at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the Administrative Review Board for the State Board for Professional Medical Conduct.

**SINCE THESE PROCEEDINGS MAY RESULT  
IN A DETERMINATION THAT SUSPENDS OR  
REVOKES YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK STATE AND/OR  
IMPOSES A FINE FOR EACH OFFENSE CHARGED.**

**YOU ARE URGED TO OBTAIN AN ATTORNEY TO  
REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

*Nov. 3*, 2000



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

Inquiries should be addressed to:

**Robert Bogan**  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street - Suite 303  
Troy, New York 12180  
(518) 402-0820

or

**Rick Zahnleuter**  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street - Suite 303  
Troy, New York 12180  
(518) 402-0747

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

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IN THE MATTER  
OF  
BAKSHI MEDICAL SERVICES, P.C.

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STATEMENT  
OF  
CHARGES

**Bakshi Medical Services, P.C.**, Respondent, is a professional service corporation that was authorized to practice medicine in New York State on or about February 1, 1996, by the New York State Department of State.

**FACTUAL ALLEGATIONS**

- A. Respondent is subject to the jurisdiction of the State Board for Professional Medical Conduct, and the pre-hearing and hearing procedures of Title II-A of Article 2 of the New York Public Health Law, pursuant to Section 1503(d) of the New York Business Corporation Law.
- B. On or about February 1, 1996 through at least November 18, 1999, Jatinder S. Bakshi, M.D. was the President and sole shareholder of Respondent.
- C. On or about November 17, 1999, Jatinder S. Bakshi, M.D., directed that pleas of guilty be entered on behalf of Respondent to the charges described in Paragraph D below.
- D. On or about November 18, 1999, in the Supreme Court of the State of New York, County of Kings, Criminal Term, Part 11, based on the pleas of guilty described in Paragraph C above, Respondent was found guilty of the felonies of Enterprise Corruption and Scheme to Defraud in the First Degree.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by reason of having been found guilty of committing a crime under New York State law, in that Petitioner charges:

1. The facts in paragraph A, B, C, and/or D.

DATED: *November 3*, 2000  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct