



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*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Vice Chair

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

December 11, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Annamalai Ashokan, M.D.
P.O. Box 1159
Tres Pinos, CA 95075

RE: License No. 169364

Dear Dr. Ashokan:

Enclosed please find Order #BPMC 01-296 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 11, 2001.

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: Edward A. Hinshaw, Esq.
Hinshaw, Draa, Marsh, Still and hinshaw
12901 Saratoga Avenue
Saratoga, CA 95070-9998

Robert Bogan, Esq.

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

IN THE MATTER

SURRENDER

OF

ORDER

**ANAMALAI ASHOKAN, M.D.
CO-01-10-4964-A**

BPMC No. 01-296

ANAMALAI ASHOKAN, M.D., says:

On or about February 19, 1987, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 169364 by the New York State Education Department. I currently reside at P.O. Box 1159, Tres Pinos, CA 95075.

I am not 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 five (5) 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 five (5) 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.

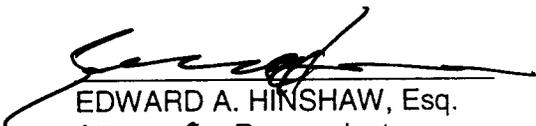
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: 11/19, 2001

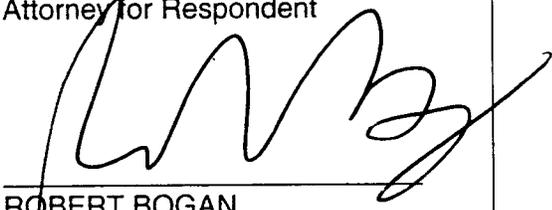

ANAMALAI ASHOKAN, M.D.
Respondent

AGREED TO:

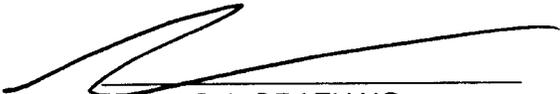
Date: 11/21, 2001


EDWARD A. HINSHAW, Esq.
Attorney for Respondent

Date: 29 November, 2001


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 30 November, 2001


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
ANNAMALAI ASHOKAN, M.D.
CO-01-10-4964-A

STATEMENT
OF
CHARGES

ANNAMALAI ASHOKAN, M.D., the Respondent, was authorized to practice medicine in New York state on February 19, 1987, by the issuance of license number 169364 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about May 4, 1991, Valley Hospital Medical Center, Las Vegas, NV suspended Respondent's hospital privileges for three (3) months, based on bad judgement and poor anesthesia management.

B. On or about September 18, 1992, Respondent prepared and submitted a registration document to the New York State Education Department, wherein he checked the "No" box to the question, "Since you last registered has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetence, or negligence?"

C. On or about April 13, 2000, in the San Benito Superior Court, California, Respondent, was found guilty of a violation of California Business and Professions Code §729(a), sexual exploitation of a patient/client, a misdemeanor.

D. On or about August 24, 2001, the Division of Medical Quality Medical Board of California, Department of Consumer Affairs, (hereinafter "California Board"), by a Decision, revoked Respondent's license to practice medicine, stayed the revocation, and placed him on

five (5) years probation with terms and conditions, to include sixty (60) days actual suspension from the practice of medicine and that he pay \$15,000.00 costs of investigation and prosecution, based on sexual misconduct, gross negligence, dishonest and corrupt acts, and the criminal conviction described in Paragraph C above.

E. The conduct resulting in the California 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 (3) (negligence on more than one occasion);
 3. New York Education Law §6530 (4) (gross negligence);
 4. New York Education Law §6530(9)(a)(i) (being convicted of committing a crime under state law);
 5. New York Education Law §6530(17) (exercising undue influence on a patient);
 6. New York Education Law §6530(20) (moral unfitness);
 7. New York Education Law §6530(21) (willfully making or filing a false report);
- and/or
8. New York Education Law §6530(31) (willfully harassing, abusing, or intimidating a patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(iii) by having been convicted of committing a crime under the law of another jurisdiction and which, if committed within New York state, would have constituted a crime under New York state law, in that Petitioner charges:

1. The facts in Paragraph C.

SECOND 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:

2. The facts in Paragraphs C, D, and/or E.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license revoked or having been other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in Paragraphs C, D, and/or E.

FOURTH SPECIFICATION

Respondent violated New York Education Law §6530(2) by practicing the profession fraudulently, in that Petitioner charges:

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

FIFTH SPECIFICATION

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report required by law or by the department of health or the education department, in that Petitioner charges:

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

DATED: *Nov. 26*, 2001
Albany, New York


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

ORDER

Upon the proposed agreement of **ANAMALAI ASHOKAN, 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: 12/3, 2001


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