



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

August 11, 1998

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jayant Desai, M.D.
165-19 Hillside Avenue
Hollis, New York 11432

RE: License No. 144734

Dear Dr. Desai:

Enclosed please find Order #BPMC 98-171 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 11, 1998.**

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
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with the first letter of the first name being a large, prominent capital "A".

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

Enclosure

cc: Bradley Mohr, Esq.

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

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IN THE MATTER : CONSENT
OF : AGREEMENT
JAYANT DESAI, M.D. : AND ORDER
: BPMC # 98-171

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

JAYANT DESAI, M.D., being duly sworn, deposes and says:

That on or about December 5, 1980, I was licensed to practice as a physician in the State of New York, having been issued license number 144734 by the New York State Education Department.

My current address is 165-19 Hillside Avenue, Hollis, N.Y. 11432, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

I do not contest the specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Payment of a fine of Ten Thousand Dollars (\$10,000.00).

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees.

This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:



JAYANT DESAI, M.D.
RESPONDENT

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

DATE: July 29, 1998


BRADLEY MOHR
SENIOR ATTORNEY
Bureau of Professional
Medical Conduct

DATE: July 30, 1998


ANNE F. SAILE
DIRECTOR
Office of Professional
Medical Conduct

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

-----X
IN THE MATTER :
OF : CONSENT
JAYANT DESAI, M.D. : ORDER
:
-----X

Upon the proposed agreement of JAYANT DESAI, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is agreed to and

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

ORDERED, that this order shall be effective as of the date
of the personal service of this order upon Respondent, upon
mailing of this order to Respondent at the address set forth in
this agreement or to Respondent's attorney by certified mail, or
upon transmission via facsimile to Respondent or Respondent's
attorney, whichever is earliest.

SO ORDERED.

DATED Aug. 4, 1998


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT A

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

-----X

IN THE MATTER : STATEMENT
OF : OF
JAYANT DESAI, M.D. : CHARGES

-----X

JAYANT DESAI, M.D., the Respondent, was authorized to practice medicine in New York State on December 5, 1980 by the issuance of license number 144734 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

1. Respondent treated Patient A (patient is identified in the attached appendix) from on or about March 6, 1995, to on or about March 11, 1998, at his office at 165-19 Hillside Avenue, Hollis, N.Y. 11432. On or about May 10, 1997, August 14, 1997 and September 18, 1997 written requests from the Department were delivered to Respondent from the Department of Health to make available a certified copy of the patient's records, with respect to an inquiry or complaint about his professional misconduct. Respondent failed to respond and to make available the relevant records within 30 days.

SPECIFICATION

FIRST SPECIFICATION

FAILURE TO RESPOND WITHIN 30 DAYS

Respondent is charged with professional misconduct within the meaning of New York Education Law section 6530 (28) in that he failed to respond to a written communication within 30 days from the Department of Health to make available relevant records with respect to an inquiry or complaint about his professional misconduct, in that Petitioner charges:

1. The facts of paragraph 1.

DATED: July 29, 1998
Albany, New York


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