



***New York State Board for Professional Medical Conduct***

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

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

March 28, 2002

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Tara S. Saini, M.D.  
144 Grove Street  
Suite 1M  
Cedarhurst, NY 11516

RE: License No. 111996

Dear Dr. Saini:

Enclosed please find Order #BPMC 02-92 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 28, 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.

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 1258  
Empire State Plaza  
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is stylized with a large initial "A" and a cursive "R. Marks".

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

Enclosure

cc: Mark H. Zafrin, Esq.  
Abrams, Fensterman, Fensterman and FLOWERS, LLP  
5 Dakota Drive, Suite 206  
Lake Success, NY 11042-1100

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

**IN THE MATTER**

**OF**

**TARA S. SAINI, M.D.  
CO-01-08-4111-A**

**CONSENT**

**AGREEMENT**

**AND ORDER**

BPMC No. 02-92

**TARA S. SAINI, M.D.**, (Respondent) deposes and says:

That on or about April 6, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 111966 by the New York State Education Department.

My current address is 144 Grove Street, Suite 1M, Cedarhurst, NY 11516 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address within thirty (30) days thereof.

I understand that the New York State Board of Professional Medical Conduct has charged me with four (4) specifications of professional misconduct.

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

I do not contest Factual Allegations C and D(5) and the Fourth Specification, in full satisfaction of the charges against me. I, hereby, agree to the following penalties:

Censure and Reprimand and;

a \$1,000.00 fine;

I further agree that the Consent Order for which I, hereby, apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's 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 will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I, hereby, stipulate that any failure by me to comply with such conditions 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, the 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.

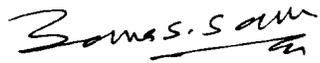
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney 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:

DATED: 3/19/2002

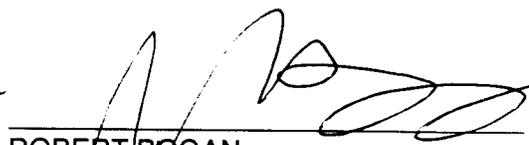
  
\_\_\_\_\_  
TARA S. SAINI, M.D.  
Respondent

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

DATE: 3/19/2002

  
\_\_\_\_\_  
MARK ZAFRIN  
Attorney for Respondent

DATE: 20 March 2002

  
\_\_\_\_\_  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 25 MARCH 2002

  
\_\_\_\_\_  
DENNIS J. GRAZIANO  
Director  
Office of Professional Medical Conduct

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

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**IN THE MATTER**  
**OF**  
**TARA S. SAINI, M.D.**  
**CO-01-08-4111-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**TARA S. SAINI, M.D.**, the Respondent, was authorized to practice medicine in New York state on April 6, 1972, by the issuance of license number 111966 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 31, 1998, the State of Florida, Department of Health, (hereinafter "Florida Department"), filed an Administrative Complaint (hereinafter "Florida Complaint"), charging Respondent with failure to adequately assess a patient's complaints, failure to properly interpret EKG results, failure to compare EKG results, failure to follow up with lab results in a timely manner, failure to refer a patient to a cardiologist for a consultation, failure to document a history of patient's pain, and failure to document results.

B. On or about February 10, 2000, Respondent, on his New York medical license renewal application, falsely answered "No" in response to question 2b. "Has any other state or country instituted charges against you for professional misconduct, unprofessional conduct, incompetence or negligence, or revoked, suspended, or accepted surrender of a professional license held by you?"

C. On or about June 21, 2001, the State of Florida, Department of Health, Board of Medicine (hereinafter "Florida Board"), by a Final Order (hereinafter "Florida Order"), in settlement of the Florida Complaint set forth in Paragraph A above, required Respondent to pay a \$5,000.00 administrative fine and \$500.00 costs and that she complete a medical record keeping course and ten (10) hours of CME in the area of cardiology, including the interpretation of EKGs, based on failure to practice medicine with that level of care, skill, and treatment which

is recognized as being acceptable under similar conditions and circumstances and failure to keep medical records justifying the course of treatment.

D. The conduct resulting in the Florida 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(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (inadequate recordkeeping).

### **SPECIFICATIONS**

#### **FIRST SPECIFICATION**

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

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

#### **SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(20) by conduct in the practice of medicine which evidences moral unfitness, in that Petitioner charges:

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

#### **THIRD SPECIFICATION**

Respondent violated New York Education Law §6530(21) by willfully making or filing a false report, in that Petitioner charges:

3. The facts in Paragraphs A an/or B.

**FOURTH SPECIFICATION**

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

4. The facts in Paragraphs A, C, and/or D.

DATED: *January 05*, 2002  
Albany, New York

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

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

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IN THE MATTER

CONSENT

OF

ORDER

TARA S. SAINI, M.D.

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Upon the proposed agreement of **TARA S. SAINI, M.D.** (Respondent) for Consent Order, which application is made a part hereof, it is agreed 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent 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: 3/26/02



WILLIAM P. DILLON, M.D.

Chair

State Board for Professional  
Medical Conduct