New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Richard F. Daines, M.D.
Commissioner
NYS Department of Health
James W. Clyne, Jr.
Executive Deputy Commissioner
Keith W. Servis, Director
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.
Chair
Carmela Torrelli
Vice Chair
Katherine A. Hawkins, M.D., J.D.
Executive Secretary

PUBLIC

June 11, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Vasu Krishnakumar, M.D.
REDACTED

Re: License No. 144582

Dear Dr. Krishnakumar:

Enclosed is a copy of BPMC #10-100 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 18, 2010.

Sincerely,

REDACTED

Katherine A. Hawkins, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Joseph E. Lamendola, Esq.
217 Montgomery Street, Ste. 201
Syracuse, New York 13202

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

IN THE MATTER

OF

VASU KRISHNAKUMAR, M.D.

CONSENT
ORDER

BPMC: 10-100

Upon the application of (Respondent) VASU KRISHNAKUMAR, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: June 10, 2010

REDACTED

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
VASU KRISHNAKUMAR, M.D.

CONSENT AGREEMENT AND ORDER

VASU KRISHNAKUMAR, M.D., represents that all of the following statements are true:

That on or about November 21, 1980, I was licensed to practice as a physician in the State of New York, and issued License No. 144582 by the New York State Education Department.

My current address is REDACTED 13669, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

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

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

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

> Pursuant to N.Y. Pub. Health Law § 230-a(3), my license to practice medicine in New York State shall be limited to preclude the prescribing, ordering and/or administering of psychopharmaceutical medications.
>
> My license to practice medicine in New York State shall be limited to preclude the prescribing, ordering and/or administering of psychopharmaceutical medications as set

forth in the preceding paragraph until I have successfully demonstrated to the Director of OPMC my completion of a retraining program (proposed by me and approved in writing by the Director of OPMC) and my competence to prescribe psychopharmaceutical medications.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and

will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE May 25, 2010.

REDACTED

VASU KRISHNAKUMAR, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 5/25/10

REDACTED

JOSEPH E. LAMENDOLA, ESQ.
Attorney for Respondent

DATE: 6-1-10

REDACTED

LEE A. DAVIS
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 6/9/10

REDACTED

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

EXHIBIT "A"

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

IN THE MATTER

OF

VASU KRISHNAKUMAR, M.D.

STATEMENT

OF

CHARGES

VASU KRISHNAKUMAR, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 21, 1980, by the issuance of license number 144582 by the New York State Education Department. Respondent is currently registered to practice medicine with the New York State Education Department through January 31, 2012.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (The patients are identified in the Appendix), a 39 year old woman when first treated for bipolar disorder at St. Lawrence Psychiatric Center (SLPC) Gouverneur Mental Health Clinic (GMHC) in Gouverneur, New York from 1989 until October 23, 2007. Respondent's care and treatment of Patient A deviated from accepted standards of medical care in the following respects:

1. Respondent failed to obtain and/or cause to be obtained concentration levels of Lithium in Patient A from March 25, 2004 until October 23, 2007, placing the patient at risk of harm.

B. Respondent provided medical care to Patient B, a 24 year old woman when first treated for bipolar disorder, at St. Lawrence Psychiatric Center (SLPC) Gouverneur Mental Health Clinic (GMHC) in Gouverneur, New York, from January 12, 2005 through January 4, 2008. Respondent's care and treatment of Patient B deviated from accepted standards of medical care in the following respects:

1. Respondent failed to adequately address Patient B's weight gain between January 21, 2005 and January 6, 2006 while on Zyprexa, placing the patient at risk of harm.

C. Respondent provided medical care to Patient C, a 20 year old woman when first treated, at St. Lawrence Psychiatric Center (SLPC) Gouverneur Mental Health Clinic (GMHC) in Gouverneur, New York from April 19, 2006 through March 15, 2007 for major depressive order, recurrent. Respondent's care and treatment of Patient C deviated from accepted standards of medical care in the following respects:

1. Respondent inappropriately initiated the medication Nortriptyline at a high range of daily dosage while continuing the medication Effexor without cross titrating the medications, placing the patient at risk of harm.

D. Respondent provided medical care to Patient D, a 19 year old woman when treated at SLPC in Ogdensburg, New York on August 27, 2004 for depressive disorder, NOS. Respondent's care and treatment of Patient D deviated from accepted standards of medical care in the following respects:

1. Respondent failed to communicate any knowledge of Patient D's history or state of dependence on Clonazepine and Olanzapine before abruptly discontinuing them, placing the patient at risk of harm.

E. Respondent provided medical care to Patient E, a 44 year old woman when treated at SLPC in Ogdensburg, New York on August 13, 2004 for major depression without psychotic features, PTSD and borderline personality disorder with complaints of having thoughts of harming herself. Respondent also noted that Patient E was complaining of feeling drowsy and unsteady on her feet all day. Respondent's care and treatment of Patient E deviated from accepted standards of medical care in the following respects:

1. Respondent failed to communicate any knowledge of Patient E's history or state of dependence on Clonazepine before abruptly discontinuing it, placing the patient at risk of harm.

SPECIFICATION OF CHARGES
FIRST SPECIFICATION
NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. The facts set forth in paragraphs A and A.1, B and B.1, C and C.1, D and D.1, and/orE and E.1.

SECOND THROUGH THIRD SPECIFICATIONS
FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

2. The facts set forth in paragraphs D and D.3.
3. The facts set forth in paragraphs E and E.3

DATE: June 1, 2010
Albany, New York

REDACTED

Peter Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct