

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

September 20, 1991

Jay Nanavaty, Physician
564 East Ridge Road
Rochester, New York 14621-1228

Re: License No. 111732

Dear Dr. Nanavaty:

Enclosed please find Commissioner's Order No. 12069. This Order goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order in your case is a revocation, surrender, or an actual suspension (suspension which is not wholly stayed) of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. Your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

If the penalty imposed by the Order in your case is a revocation or a surrender of your license, you may, pursuant to rule 24.7 (b) of the Rules of the Board of Regents, a copy of which is attached, apply for restoration of your license after one year has elapsed from the effective date of the Order and the penalty; but said application is not granted automatically.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By:

GUSTAVE MARTINE
Supervisor

DJK/GM/er

CERTIFIED MAIL - RRR

cc: Harris, Beach, Wilcox, Esq.
Lawrence Andolina
130 East Main Street
Granite Bldg.
Rochester, New York 14604

REPORT OF THE
REGENTS REVIEW COMMITTEE

JAY NANAVATY

CALENDAR NO. 12069



The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

JAY NANA VATY

No. 12069

who is currently licensed to practice
as a physician in the State of New York.

REPORT OF THE REGENTS REVIEW COMMITTEE

JAY NANA VATY, hereinafter referred to as respondent, was given due notice of this proceeding and informed that he could appear and be represented by an attorney.

On June 27, 1991, neither respondent nor his attorney attended in person the hearing before us. However, respondent appeared by his attorney, Lawrence J. Andolina, Esq., who submitted two letters, one with attachments. Daniel Gunzberger, Esq., represented the Department of Health.

Petitioner's written recommendation as to the penalty to be imposed, should respondent be found guilty, was that respondent's license to practice as a physician in the State of New York be suspended for two years, with suspension to be stayed, and probation.

Respondent's attorney asked us to consider all of the factors when making a determination as to the appropriate sanction.

JAY NANAVATY (12069)

Respondent does not contest the charges.

We have reviewed the record in this matter; and our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

FINDINGS OF FACT

1. Respondent was licensed to practice as a physician in this State by the New York State Education Department.
2. Respondent was convicted of committing acts constituting crimes, as set forth in the statement of charges and the record herein.

DETERMINATION AS TO GUILT

The charge is based upon a New York criminal conviction for the Class A misdemeanor of Falsifying Business Records in the Second Degree involving respondent, with intent to defraud, making a false entry in the medical records of a nursing home indicating that he had provided a nursing home visit to a patient in the home when he knew that the visit had not occurred. The charge is also based upon a New York Criminal Conviction for the Class A misdemeanor of Offering A False Instrument for Filing in the Second Degree involving respondent submitting a Medicaid Claim Form to a fiscal agent of the State of New York which respondent knew falsely represented that a nursing home visit had been provided to a patient when he knew that the visit had not occurred.

The charge contained in the statement of charges, a copy of which is annexed hereto, made a part hereof, and marked as Exhibit

JAY NANAVATY (12069)

"A", has been proven by a preponderance of the evidence and respondent is guilty thereof.

**RECOMMENDATION AS TO THE
PENALTY TO BE IMPOSED**

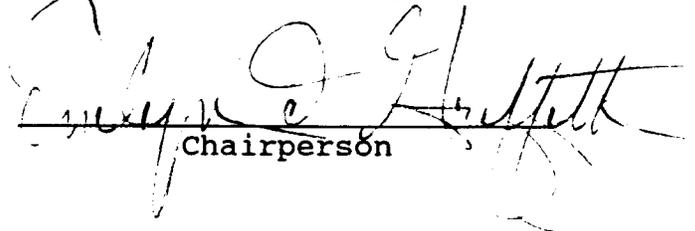
Respondent's license to practice as a physician in the State of New York be suspended for two years upon the charge of which respondent has been found guilty, that execution of said suspension be stayed, and that respondent be placed on probation for two years under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B".

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO


Chairperson

Dated: 7/31/91

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

-----X
IN THE MATTER : STATEMENT
OF : OF
JAY NANA VATY, M.D. : CHARGES
-----X

JAY NANA VATY, M.D., the Respondent, was authorized to practice medicine in New York State on January 25, 1972 by the issuance of license number 111732 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1991 through December 31, 1992.

FIRST SPECIFICATION

**HAVING BEEN CONVICTED OF
AN ACT CONSTITUTING A CRIME
UNDER NEW YORK STATE LAW**

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509(5)(a)(i) (McKinney 1985) in that he has been found guilty of committing an act constituting a crime under New York State law, specifically:

On or about March 21, 1990, the Respondent was convicted after a plea of guilty in the Rochester City Court of the State of New York, County of Monroe, Criminal Branch, of:

(1) Falsifying Business Records in the Second Degree, a Class A misdemeanor, in violation of Section 175.05-1 of the Penal Law, in that on or about April 11, 1989, with intent to defraud, the Respondent made or caused a false entry in the medical records of the Nortonian Nursing Home indicating that he had provided a nursing home visit to patient T.S. when he knew that the visit had not actually occurred; and

(2) Offering A False Instrument for Filing in the Second Degree, a Class A misdemeanor, in violation of Section 175.30 of the Penal Law, in that on or about April 11, 1989, Respondent submitted a Medicaid claim form to the State of New York and its fiscal agents, Computer Sciences Corporation and McAuto Systems Group, Inc. which form Respondent knew would become part of the records of the State of New York and its agents, and which the Respondent knew contained false statements and false information in that it was claimed on this form that Respondent provided a nursing home visit to patient T.S. when Respondent knew such a visit had not occurred.

On or about May 23, 1990, the Respondent was sentenced to a conditional discharge for one year, contingent upon payment of \$1151 restitution and 200 hours of community service, which were deemed performed as a result of service rendered.

DATED: NEW YORK, NEW YORK
May 16, 1991



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION
OF THE REGENTS REVIEW COMMITTEE

JAY NANAVATY

CALENDAR NO. 12069

1. That respondent shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Health, unless said employee agrees otherwise as to said visits, for the purpose of determining whether respondent is in compliance with the following:
 - a. That respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
 - b. That respondent shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, Empire State Plaza, Albany, NY 12234 of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
 - c. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation; and
 - d. That respondent shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written

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proof to the New York State Department of Health, that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;

2. If the Director of the Office of Professional Medical Conduct determines that respondent may have violated probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.

ORDER OF THE COMMISSIONER OF
EDUCATION OF THE STATE OF NEW YORK

JAY NANAVATY

CALENDAR NO. 12069



The University of the State of New York

IN THE MATTER

OF

JAY NANAVATY
(Physician)

DUPLICATE
ORIGINAL
VOTE AND ORDER
NO. 12069

Upon the report of the Regents Review Committee, a copy of which is made a part hereof, the record herein, under Calendar No. 12069, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED (September 13, 1991): That the record herein be accepted; that the findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of JAY NANAVATY, respondent, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; the charge is based upon a New York criminal conviction for the Class A misdemeanor of Falsifying Business Records in the Second Degree involving respondent, with intent to defraud, making a false entry in the medical records of a nursing home indicating that he had provided a nursing home visit to a patient in the home when he knew that the visit had not occurred; the charge is also based upon a New York Criminal Conviction for the Class A misdemeanor of Offering A False Instrument for Filing in the Second Degree involving respondent submitting a Medicaid Claim Form to a fiscal agent of the State of New York which respondent knew falsely represented that a nursing home visit had been provided to a patient when he knew that the visit had not occurred; that respondent's license and registration

JAY NANAVATY (12069)

to practice as a physician in the State of New York be suspended for two years upon the charge of which respondent has been found guilty; that execution of said suspension be stayed; that respondent be placed on probation for two years under the terms prescribed by the Regents Review Committee; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

IN WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 19th day of

1991.

Thomas Sobol
Commissioner of Education

