



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Office of Professional Discipline, One Park Avenue, 6th Floor, New York, NY 10016-5802
Tel. (212) 951-6400
Fax (212) 951-6488
E-mail: OP4INFO@MAIL.NYSED.GOV

September 2, 1999

Brij Mohan, Physician
117 Morani Street
Staten Island, New York 10314

RECEIVED

SEP 8 1999

**OFFICE OF PROFESSIONAL
MEDICAL CONDUCT**

Re: Application for Restoration

Dear Dr. Mohan:

Enclosed please find the Commissioner's Order regarding Case No. 99-106-60 which is in reference to Calendar No.16999. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

By: 
Gustave Martine
Supervisor

The University of the State of New York
Education Department



IN THE MATTER

of the

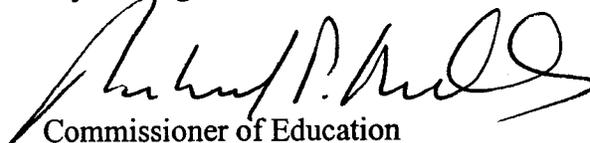
Application of BRIJ MOHAN for restoration of his license to practice as a physician in the State of New York.

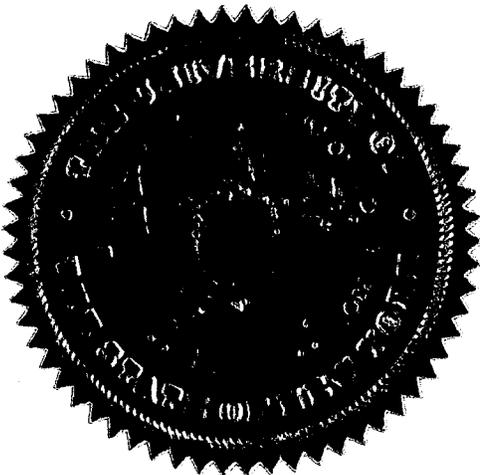
Case No. 99-106-60

It appearing that the application of BRIJ MOHAN, 117 Morani Street, Staten Island, New York 10314, to surrender his license to practice as a physician in the State of New York, was granted by action of the State Board for Professional Medical Conduct on December 6, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on July 16, 1999, it is hereby

ORDERED that the petition for restoration of License No. 110116, authorizing BRIJ MOHAN to practice as a physician in the State of New York, is denied.

IN WITNESS WHEREOF, I, Richard P. Mills, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 25th day of August, 1999.


Commissioner of Education



Case No. 99-106-60

It appearing that the application of BRIJ MOHAN, 117 Morani Street, Staten Island, New York 10314, to surrender his license to practice as a physician in the State of New York, was granted by action of the State Board for Professional Medical Conduct on December 6, 1994, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on July 16, 1999, it was

VOTED that the petition for restoration of License No. 110116, authorizing BRIJ MOHAN to practice as a physician in the State of New York, be denied.

Case number 99-106-60
April 7, 1999

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: **Brij Mohan**

Not represented by counsel

Brij Mohan, 117 Morani Street, Staten Island, New York 10314, petitioned for restoration on his physician license. The chronology of events is as follows:

- 08/17/71 Issued license number 110116 to practice as a physician in New York State.
- 11/07/94 Department of Health summarily suspended license.
- 11/07/94 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 11/15/94 Submitted Application to Surrender License.
- 12/06/94 Effective date of Application to Surrender License accepted by State Board for Professional Medical Conduct.
- 09/19/96 Application for restoration submitted.
- 05/08/98 Peer Committee restoration review.
- 12/06/98 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 04/07/99 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached Application to Surrender License.) On November 7, 1994 the Department of Health summarily suspended the license of Dr. Mohan. He was charged with 18 specifications of professional misconduct, including abuse of a patient, moral unfitness, and practicing the profession fraudulently as it relates to patients A through F. On November 15, 1994, Dr. Mohan applied to surrender his license and admitted guilt to the abuse of patient A and stated that he

as to whether there might have been sexual contact, he stated, "It may or may not have occurred," but that he did not recall.

The Committee asked Dr. Mohan what caused him to act inappropriately with the patients. He replied that he thought it was errant behavior and didn't know why it happened. The Committee asked how it could be assured the misbehavior would not recur if he didn't have an understanding of why it occurred. Dr. Mohan said that he had three or four sessions with a psychiatrist but didn't have the money to continue therapy. He said, "I didn't feel it was helping me. I was taking medication which seemed to help."

Dr. Mohan said that he wanted to have his license restored for his self-esteem and to regain respect. He indicated that he felt the Peer Committee misunderstood his concern regarding money. He said that he was a diabetic and had heart disease and his wife has to take many medications. The Committee told Dr. Mohan that its primary concern was public safety and asked him what was different about him today so that it could be assured the public would not be at risk were his license restored. He replied, "I'll see if I can do that sort of thing. I won't get a job too easily. It's an uphill battle I'll need to face." The Committee asked him to focus on the question they asked. Dr. Mohan said that he could only tell them that he knows himself and has done nothing bad in the last five years. He indicated that he has never had any further contact with the patients who accused him of sexual misconduct as he didn't want to further embarrass them. He told the Committee that everyone knows about his situation but they still support him. He stated, "It's the only assurance I can give. Put me on probation for a few years and see what happens."

The Committee asked if there was anything else he'd like to say. Dr. Mohan said he was concerned about the Peer Committee's comment that he did not receive psychological help. He said that he did not have the money to get this therapy, as even a minimum wage job requires a good background check. Dr. Mohan told the Committee that because of his poor financial situation, he went to India four times in the last few years to get medical help.

The overarching concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in the face of misconduct that resulted in the loss of licensure. There must be a clear preponderance of evidence that the misconduct will not recur and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. The Committee believes it is not its role to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a determination based upon the entire record.

The Committee on the Professions (COP) concurs with the Peer Committee that Dr. Mohan "has made no legitimate effort at rehabilitation." As the Peer Committee noted, he still does not understand why he committed the misconduct and has taken no significant steps at obtaining professional help to obtain that understanding. Absent that



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

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In the Matter of the Application of

BRIJ MOHAN

REPORT OF
THE PEER
COMMITTEE
CAL. NO. 16999

for the restoration of his license to
practice as a physician in the State of
New York.

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Applicant, BRIJ MOHAN, was authorized to practice as a
physician in the State of New York by the New York State Education
Department.

PRIOR DISCIPLINE

Applicant had his license summarily suspended effective
November 15, 1994, pursuant to order #BPMC #94-249. After a
hearing at the Department of Health, Office of Professional Medical
Conduct, Dr. Mohan voluntarily surrendered his license to practice
medicine in the State of New York. His application for surrender
was granted effective November 27, 1994.

Dr. Mohan pled guilty to specification one of the statement of
charges, and pled that he could not defend himself against

BRIJ MOHAN (16999)

purpose during the purported medical examination.

2. Applicant repeatedly made inappropriate comments to patient "E" during the purported medical examination.

Specification Six: On or about May 7, 1991 patient "F" sought medical care from applicant at the Brooklyn Medical Group, Empire Center, 546 Eastern Parkway, Brooklyn, NY.

1. Applicant inappropriately touched and manipulated patient "F"s breasts for other than a proper medical purpose during the purported medical examination.
2. Applicant proffered inappropriate questions and comments to patient "F" during the purported medical examination.
3. Applicant inappropriately touched and/or massaged patient "F"s clitoris and/or vaginal area during the course of the purported medical examination.

THE APPLICATION

On December 21, 1994 applicant petitioned for the restoration of his license to practice as a physician in the State of New York.

In his application, applicant states he wants his license back for "professional fulfillment, self worth and financial self sufficiency."

He goes on to state that after 38 years as a physician he now feels that he is "of no value to the community."

He states that he has suffered financially and professionally

BRIJ MOHAN (16999)

He said he takes full responsibility for his acts but expressed little or no remorse for the effect the abuse had on these patients. He seemed to be remorseful mostly because of the financial difficulties the loss of his license has caused him.

Applicant has not worked at all since he lost his license because he thinks he could only get minimum wage jobs and he does not want to do that.

Applicant presented 12 pages to the panel regarding continuing education which are made part of the material herein. These pages, however, reflect only two seminars recently taken by applicant and the remainder referred to seminars to be held in the future. Applicant did state that he reads all the medical journals but has not taken any coursework because it is too expensive and/or requires a license number.

Mr. Keyes closed by saying that applicant had failed to demonstrate any of the necessary elements to warrant restoration of licensure and stated that the Department opposed restoration of licensure.

Applicant repeated that he takes full responsibility for his actions and has suffered financially.

RECOMMENDATION

We unanimously recommend that the application herein not be granted and that the revocation of applicant's license to practice