



Public

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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Office of Professional Medical Conduct

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

May 25, 2010

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Nisar A. Piracha, M.D.

REDACTED

Re: License No. 173856

Dear Dr. Piracha:

Enclosed is a copy of BPMC #10-89 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 1, 2010.

Sincerely,

REDACTED

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

Enclosure

cc: Brian J. Weidner, Esq.
Brown & Tarantino, LLC
1500 Rand Building
14 Lafayette Square
Buffalo, NY 14203

IN THE MATTER
OF
NISAR PIRACHA, M.D.

CONSENT
ORDER

BPMC No. #10-89

Upon the application of **NISAR PIRACHA, 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: 5-24-2010

REDACTED

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

**IN THE MATTER
OF
NISAR PIRACHA, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

NISAR PIRACHA, M.D., represents that all of the following statements are true:

That on or about March 4, 1988, I was licensed to practice as a physician in the State of New York, and issued License No. 173856 by the New York State Education Department.

My current address is REDACTED, 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 plead no contest to the first specification and to the third specification, in full satisfaction of the charges against me, and agree to the following penalty:

A censure and reprimand of my medical license. I shall enroll in and complete a continuing education program in the area of emergency medicine and providing a minimum of 15 credits. This continuing education program is subject to the Director of the Office of Professional Medical Conduct's prior written approval and shall be completed within the first 90 days of the effective date of this order.

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

4/19/10

REDACTED

NISAR PIRACHA, M.D.
RESPONDENT

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

DATE: May 12, 2010

REDACTED

~~BRIAN J. WEIDNER, ESQ.~~
Brown & Tarantino
Attorney for Respondent

DATE: May 17, 2010

REDACTED

~~TIMOTHY J. MAHAR~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: May 24, 2010

REDACTED

for ~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
NISAR PIRACHA, M.D.

STATEMENT
OF
CHARGES

Nisar Piracha, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 4, 1988, by the issuance of license number 173856 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent provided medical care to Patient A (Patient A is identified in Appendix A hereto) in the emergency department of the Wyoming County Community Hospital in Warsaw, NY on December 11, 2008 for the sudden onset of left groin pain. Patient A was 61 years old. Respondent diagnosed a left inguinal hernia and discharged Patient A with pain medication and instructions to follow-up with a surgeon. Petitioner alleges the following acts of professional misconduct:
1. Respondent failed to adequately diagnose Patient A's condition.
 2. Respondent failed to adequately treat and/or manage Patient A.
 3. Respondent failed to maintain an adequate medical record for Patient A.

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct by reason of his having practiced medicine with negligence on more than one occasion in violation of Education Law §6530(3) in that Petitioner charges:

1. The facts in paragraphs A and A.1, and/or A and A.2 .

SECOND SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with professional misconduct by reason of his having practiced medicine with gross negligence on a particular occasion in violation of Education Law § 6530 (4) in that Petitioner charges:

2. The facts in paragraphs A and A1 and/or A and A2.

THIRD SPECIFICATION

RECORD KEEPING

Respondent is charged with professional misconduct by reason of his having failed to maintain a medical record which accurately reflected the evaluation and

treatment Patient A in violation of Education Law 6530 (32) in that Petitioner

3. The facts in paragraphs A and A.3.

DATE:

May 17
~~April 16~~, 2010
Albany, New York

REDACTED

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