



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
Commissioner

Wendy E. Saunders  
Chief of Staff

June 13, 2008

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Kirnjot Singh, M.D.  
Redacted Address

Kirnjot Singh, M.D.  
2102 East Evans Avenue  
Suite 114  
Valparaiso, Indiana 46383

Robert Bogan, Esq.  
NYS Department of Health  
433 River Street - 4<sup>th</sup> Floor  
Troy, New York 12180

**RE: In the Matter of Kirnjot Singh, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 08-96) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

Redacted Signature

James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

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

COPY

IN THE MATTER  
OF  
KIRNJOT SINGH, M.D.

DETERMINATION

AND

ORDER

BPMC #08-96

A hearing was held on May 15, 2008, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated April 9, 2008, were served upon the Respondent, **Kirnjot Singh, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Mary Patricia Meagher, R.N.**, Chairperson, **Airlie Cameron, M.D. M.P.H.**, and **Theodore A. Spevack, D.O.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent appeared *pro se*.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF THE CASE**

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with

misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state and also with violation of New York Education Law Section 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 of New York state.

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

#### **WITNESSES**

For the Petitioner:	None
For the Respondent:	<b>Kirnjot Singh, M.D</b>

#### **FINDINGS OF FACT**

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to transcript page numbers or exhibits, denoted by the prefixes "T." or "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any,

was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous. **Unless otherwise specified.**

1. **Kirnjot Singh, M.D.**, the Respondent, was authorized to practice medicine in New York State on May 24, 2001, by the issuance of license number 221209 by the New York State Education Department (Petitioner's Ex. 4).

2. The Respondent was a licensed Medical Doctor in the State of Indiana holding Indiana license number 01047532. (Petitioner's Ex. 5),

3. The Respondent was charged in the State of Indiana with violation of the Indiana Code Sec. 25-1-9-4(a)(5) in that he engaged in immoral conduct in connection with the delivery of services to the public in that he engaged in sexual contact with a patient in a medical office on the same date he saw her as a new patient. (Petitioner's Ex. 5.)

4. The above charge was brought before the Medical Licensing Board of the State of Indiana and it was settled by a stipulation, dated October 2, 2007, which placed the Respondent on Indefinite Probation. (Petitioner's Exhibit # 5.)

### **VOTE OF THE HEARING COMMITTEE**

#### **FIRST SPECIFICATION**

Respondent violated New York Education Law Section 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct in New York State, in that Respondent had a sexual encounter with a patient in his medical office.

**VOTE: Sustained (3-0)**

## SECOND SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct in New York State, in that Respondent had a sexual encounter with a patient in his medical office.

VOTE: Sustained (3-0)

## HEARING COMMITTEE DETERMINATION

The record in this case shows that the Respondent, was authorized to practice medicine in New York State on May 24, 2001, by the issuance of license number 221209 by the New York State Education Department and that he was also a licensed Medical Doctor in the State of Indiana holding an Indiana medical license.

At the hearing, the Petitioner presented documentation establishing that the Respondent was charged in the State of Indiana with violation of the Indiana Code Sec. 25-1-9-4(a)(5) in that he engaged in immoral conduct in connection with the delivery of services to the public in that he engaged in sexual contact with a patient in a medical office on the same date he saw her as a new patient. This charge was brought before the Medical Licensing Board of the State of Indiana and it was settled by a stipulation, dated October 2, 2007, which placed the Respondent on Indefinite Probation.

The Respondent testified on his own behalf and did not deny the fact that he entered the above stipulation in the State of Indiana and that he was currently on probation for his conduct, by order of the Indiana Board. The Respondent testified that he met with the complainant in this case and that she initially came to his practice of orthopedic spine surgery with complaints of back pain and that this visit was properly

chaperoned. (T. 8) The respondent went on to testify that this patient inquired about working with him as a massage therapist as this was her line of work. Dr. Singh indicated that he then discharged the patient and that she came back to his office, after hours, and that had consensual sex. (T. 9)

The Hearing Committee did not find this testimony credible or persuasive and noted that the above, initial patient meeting, treatment, employment discussion, and sex, all occurred on the same day. The Committee had serious reservations about the putative "discharge" of this patient and commented on the fact that the record indicates that the Respondent left the back door to his office open so that this *rendezvous* could be facilitated after hours, in a clandestine fashion, when the staff had left the medical office.

It should be noted that the Committee focused on Respondent's Exhibit # B, a letter from the Center for Personalized Education of Physicians. The Respondent offered this into evidence in support of his contention that he is now reformed and has learned the errors of his ways. The Committee commented on the fact that this letter shows that Dr. Singh was accused of eight other "boundary violations" in the past and these were dismissed and that the State of Indiana proceeded only on the charge that resulted in the present stipulation and resulting probation. One of the Committee members emphasized "zero tolerance" as the appropriate response in cases such as this. The Committee was unanimous in finding that the Specifications had been established and two of the three Committee members agreed that revocation was appropriate. One Committee member opined that Probation, similar to Indiana's, should be the New York Order.

### **ORDER**

#### **IT IS HEREBY ORDERED THAT:**

1. The license of the Respondent to practice medicine in New York State is revoked.

2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Pittsford, New York  
6/6/08, 2008

Redacted Signature

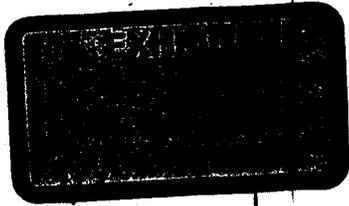
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Mary Patricia Meagher, R.N.  
Chairperson

Airlie Cameron, M.D. M.P.H.  
Theodore A. Spevack, D.O.

# **APPENDIX I**

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



IN THE MATTER  
OF  
KIRNJOT SINGH, M.D.  
CO-07-10-5815-A

NOTICE OF  
REFERRAL  
PROCEEDING

TO: KIRNJOT SINGH, M.D.  
Redacted Address

KIRNJOT SINGH, M.D.  
2102 East Evans Avenue  
Suite 114  
Valparaiso, IN 46383

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 15<sup>th</sup> day of May, 2008, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

**SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York  
*April 9*, 2008

Redacted Signature

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

Inquiries should be addressed to:

Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER

OF

KIRNJOT SINGH, M.D.  
CO-07-10-5815-A

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STATEMENT

OF

CHARGES

KIRNJOT SINGH, M.D., Respondent, was authorized to practice medicine in New York state on May 24, 2001, by the issuance of license number 221209 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 2, 2007, the Medical Licensing Board of Indiana (hereinafter "Indiana Board"), by a Findings of Fact and Order, Ultimate Findings of Fact, Conclusion of Law and Order (hereinafter "Indiana Order"), placed Respondent on INDEFINITE PROBATION with terms and conditions, based on engaging in a sexual encounter with a patient in his medical office.

B. The conduct resulting in the Indiana 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(20) (moral unfitness);
2. New York Education Law §6530(16) (failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or
3. New York Education Law §6530(17) (exercising undue influence on the patient).

**SPECIFICATION**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct committed in New York state, in that Petitioner charges:

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

**SECOND 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:

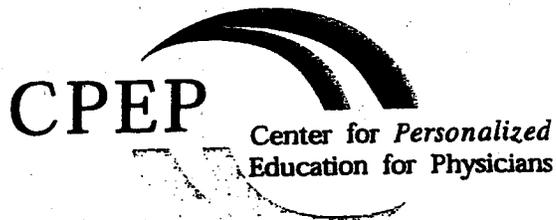
2. The facts in paragraphs A and/or B.

DATED: *April 9*, 2008  
Albany, New York

Redacted Signature

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



**Joseph d'Oronzio, PhD, MPH**  
**ProBE Program Director**

 **The ProBE Program**  
**Professional/Problem-Based Ethics**

April 11, 2008

Kirnjot Singh, M.D.  
2102 E. Evans, Ste 114  
Val Paraiso, IN 46383

Dear Dr. Singh:

We have received and reviewed the final essay you wrote to complete the ProBE Program. This letter will serve to confirm your participation and completion of the program. The final resolution of your particular case with your Board or other agency, however, rests with their determinations.

The enclosed letter is a copy of the one that we have forwarded to your Board.

We are also including a certificate of completion for the program.

Your contribution to the process of this intervention helped to make it a positive experience for all of us. Catherine Caldicott, M.D., joins me in thanking you for participation and in wishing you well with your future work.

Sincerely,

Redacted Signature

Joseph C. D'Oronzio, Ph.D.  
Program Director

Enclosure



Joseph d'Oronzio, PhD, MPH  
ProBE Program Director

April 11, 2008

Michael Rinebold, Director  
Medical Licensing Board of Indiana  
402 W. Washington Street, Room W066  
Indianapolis, IN 46206

Re: Kirnjot Singh, M.D.

Dear Mr. Rinebold:

This letter provides the final report on the progress, assessment, and evaluation of Dr. Singh, who enrolled in the ProBE Program held March 14 - 16, 2008. The faculty for this session of the ProBE Program was Catherine Caldicott, M.D., and Joseph d'Oronzio, Ph.D.

Dr. Kirnjot Singh attended all the sessions of the ProBE Program, completed all the assignments, and showed evidence of having read the relevant assignments in the collection of readings. Dr. Singh was a solid participant in the ProBE Program. Often he assumed the role of "devil's advocate" in order to advance discussion. His comments were appropriate and demonstrated good insight into human motives. His report of the complaint against him for boundary violations was honest and thorough. He was forthcoming about eight other complaints about him from the past, even though those were dismissed.

Dr. Singh's final essay is solid. In it he makes excellent use of course readings relevant to his infractions. He demonstrates a thorough understanding of the potential to exploit a physician's power and pays particular attention to the role of the medical boards in providing mechanisms of accountability should self-regulation fail, as it did in his case. He honestly reflects on how his boundary violation was an act of self-interest and did not appreciate the perspective of the individual who filed the complaint against him. By describing how he should have handled the situation with her in the first place, Dr. Singh provides evidence of having internalized lessons from his participation in the ProBE Program.

Our overall assessment of Dr. Singh's capacities for ethical reasoning and insight as demonstrated over the course of the ProBE Program is unconditional pass.

Thank you for allowing us the opportunity to provide this intervention for Dr. Singh on behalf of the Medical Licensing Board of Indiana. If you wish any further information, please do not hesitate to call on us.

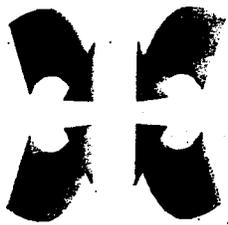
Sincerely,

Redacted Signature

Joseph C. d'Oronzio

Enclosures

cc: Kirnjot Singh, M.D.



# THE PROBE PROGRAM

## PROFESSIONAL PROBLEM-BASED ETHICS

*Certificate of Completion*

*Kimjot Singh, MD*  
*Val Paraiso, IN*

*Having completed the 22 hour curriculum, readings and seminar participation over the weekend of March 14-16, 2008 and having written an essay which satisfactorily meets the requirements set forth, has demonstrated a capacity for ethical reasoning and insight into professionalism.*



Center for Personalized  
Education for Phy

Redacted Signature

*Joseph C. d'Oronzio, PhD, MPH*  
PROBE Program Director

Redacted Signature

*Elizabeth J. Korinek, MPH*  
Executive Director, CPEP

date: April 11, 2008