

January 4, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jude B. Mulvey, Esq.
NYS Department of Health
ESP-Corning Tower-Room 2512
Albany, New York 12237

Ravindra Patel, M.D.
REDACTED

Ravindra Patel, M.D.
530 Green Street
Iselin, New Jersey 08830

Robert A. Mintz, Esq.
McCarter & English
245 Park Avenue – 27th Floor
New York, New York 10167-0001

NYS Department of Health
Bureau of Accounts Management
ESP-Corning Tower-Room 2784
Albany, New York 12237

RE: In the Matter of Ravindra Patel, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 13-05) 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.

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 Respondent or the Department may seek a review of a committee determination.

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., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH:cah

Enclosure

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

IN THE MATTER
OF
RAVINDRA PATEL, M.D.
CO-12-01-0026-A

DETERMINATION
COPY
AND
ORDER
BPMC #13-05

A hearing was held on December 6, 2012, 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 August 17, 2012, were served upon the Respondent, **Ravindra Patel, M.D.¹**.

Pursuant to Section 230(10)(e) of the Public Health Law, **Kendrick A. Sears, M.D.**, Chair, **Robert A. Catalano, M.D., M.B.A.**, and **Thomas W. King, Jr. M.P.A., P.E.**, 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 **James E. Dering, Esq.**, General Counsel, by **Jude B. Mulvey, Esq.**, of Counsel. The Respondent, **Ravindra Patel, M.D.**, did not appear, although duly served. Evidence was received and

¹ Initially, the caption in this matter read "Ravinder Patel." At a prehearing conference this name was amended to "Ravindra Patel" with the request for amendment being approved by the Administrative Officer. (Transcript of pre-hearing, p. 3)

transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF 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 §6530(9)(a)(ii) – by having been convicted of committing an act constituting a crime under federal law. 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:	None

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 exhibits, denoted by the prefix "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.

1. **Ravindra Patel, M.D.**, the Respondent, did not appear at the hearing and was duly served and notified of the hearing, by personal service of process, on August 22, 2012. (Petitioner's Exhibit 2)
2. **Ravindra Patel, M.D.**, the Respondent, was authorized to practice medicine in New York State on April 11, 1991, by the issuance of license number 185287 by the New York State Education Department. (Petitioner's Ex. 3)
3. On or about March 25, 2009, in the United States District Court, District of New Jersey, Respondent was found guilty, after a plea of guilty, to the crime of Conspiracy to Make False Claims to the Social Security Administration, in violation of 18 USC 371. For this crime, the Respondent was sentenced to two (2) year's probation and a fine of \$10,000.00.
4. The conduct resulting in the above Federal conviction of the Respondent would constitute misconduct under the laws of New York State, pursuant to the following section of New York State law:

New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

"Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that...."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing. The Administrative Officer, after considering the documentary evidence, which included an affidavit of service (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law in the service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed, notwithstanding the Respondent's absence.

It is noted that an attorney for the Respondent, Robert A. Mintz, Esq., of the firm of McCarter & English, of New York City, had been in contact with the Department and had presented documentation for the panel to review. This submission is in the record as Respondent's Exhibit A. This material was a submission of considerable size and

contained many testimonials and copies of letters of support that had been offered in the Respondent's federal case. This exhibit contained over thirty letters of support from patients, colleagues and friends of the Respondent. The Department's attorney objected that this was cumulative and repetitive evidence. The Administrative Officer overruled this objection (T. Pre-hearing transcript, p. 3) and allowed the panel to view the entire submission.

The record in this case shows that on or about March 25, 2009, in the United States District Court, District of New Jersey, Respondent was found guilty, after a plea of guilty, to the crime of Conspiracy to Make False Claims to the Social Security Administration, in violation of 18 USC 371. For this crime, the Respondent was sentenced to two (2) year's probation and a fine of \$10,000.00.

At the hearing, the Department's attorney explained that the Respondent had placed his wife on a group payroll so that she could collect Social Security even though she never worked for the practice. The Respondent's wife was a no-show employee and based on this admitted fact the Respondent was convicted in federal court and sentenced to a two-year term of probation and fined \$10,000.00 (T.5)

The panel recognized that this was a crime of greed and that the Respondent's wife could have received several thousands of dollars in unearned Social Security by his actions. Taking this potential financial gain into account the panel determined that the Respondent should be punished financially for his actions and determined that a fine of \$10,000.00 would be appropriate under the circumstances of this case.

The panel based its determination on the documentation in the record. The panel considered the full range of penalties available and was unanimous that a stayed suspension would be an appropriate penalty. The panel also determined that a fine of \$10,000.00 should be imposed. The panel also determined that the Respondent should take and complete a course in ethics approved by the Director of OPMC.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specification of professional misconduct, as set forth in the Statement of Charges, is **SUSTAINED**
2. The license of the Respondent to practice medicine in New York State is hereby **SUSPENDED FOR A PERIOD OF TWO YEARS; HOWEVER, THE SUSPENSION IS STAYED IN WHOLE.**
3. The Respondent is to take and complete an appropriate course in ethics approved by the Director of OPMC.
4. The Respondent may apply to OPMC for a lifting of the stayed suspension upon a showing that his New Jersey license has been fully restored without restrictions or conditions, that all fines and fees due in New Jersey and New York have been paid, and that the requisite Continuing Medical Education course has been completed.
5. A fine of \$10,000.00 is imposed on the Respondent, Dr. Ravindra Patel, M.D. The fine is payable in full within 90 days of the effective date of this Order. Payment must be

submitted to the New York State Department of Health, Bureau of Accounts Management, Empire State Plaza, Coming Tower, Room 2784, Albany, New York 12237. Failure to pay the fine on time will subject the Respondent to all provisions of law relating to debt collection by New York State, including imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits and licenses (Tax Law Section 171[27], State Finance Law Section 18, CPLR Section 5001, Executive Law Section 32).

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

DATED: Syracuse
January 3, 2013

REDACTED

Kendrick A. Sears, M.D., Chair,

Robert A. Catalano, M.D.,
Thomas W. King, Jr. M.P.A., P.E.

To:

Jude B. Mulvey, Esq.
Attorney for Petitioner
Associate Counsel
NYS Department of Health
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Albany, New York 12237

Ravindra Patel, M.D.
REDACTED

Ravindra Patel, M.D.
530 Green Street
Iselin, NJ 08830

Robert A. Mintz, Esq.
Attorney for Respondent
McCarter & English
245 Park Avenue (27th Floor)
New York, NY 10167-0001

NYS Department of Health
Bureau of Accounts Management
Corning Tower, Room 2784
Empire State Plaza
Albany, New York 12237

APPENDIX I

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

IN THE MATTER

OF
NA
RAVINDER PATEL, M.D.
CO-12-01-0026-A

NOTICE OF
REFERRAL
PROCEEDING

TO:

Ravinder Patel, M.D.
REDACTED

Ravinder Patel, M.D.
530 Green Street
Iselin, NJ 08830

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 18th day of October, 2012, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges that 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 who shall be an attorney admitted to practice in New York state. You may produce evidence and/or sworn testimony on your behalf. Such evidence and/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 that 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, Riverview Center, 150 Broadway, Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING 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 (10) 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 (10) 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 (6) copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen (14) 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 demands, hereby, disclosure of the evidence that 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 and/or other evidence that cannot be photocopied.

YOU ARE ADVISED, HEREBY, THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE (5) BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here _____

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 (5) 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

August 17, 2012

REDACTED

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

Inquiries should be addressed to:

Jude B. Mulvey
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

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

IN THE MATTER
OF
RAVINDER PATEL, M.D.
CO-12-01-0026-A

STATEMENT
OF
CHARGES

MA
RAVINDER PATEL, M.D., Respondent, was authorized to practice medicine in New York state on April 11, 1991, by the issuance of license number 185287 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 25, 2009, in the United States District Court, District of New Jersey, Respondent was found guilty, after a plea of guilty, of Conspiracy to Make False Claims to the Social Security Administration, in violation of 18 USC 371. He was sentenced to two (2) years probation, and to pay a fine of \$10,000.00.

SPECIFICATION

Respondent violated New York State Education Law §6530 (9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *August 17*, 2012
Albany, New York

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