



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

December 11, 1991

C. Maynard Guest, M.D.
Executive Secretary

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mahendra C. Udani, M.D.
1145 Via Zumaya
Palos Verdes Estates, California 90274

RE: NYS License No. 147578

Dear Dr. Udani:

Enclosed please find Order #BPMC 91-17 the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Mark Levin, Esq.
3580 Wilshire Boulevard
Suite 1920
Los Angeles, California 90010-2520

David W. Smith, Esq.

bcc: Chris Hyman
Roy Nemerson
Peter Slocum
Carlos Perez
Kenneth Spooner
Vincent Martiniano
Anne Bohenek

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

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IN THE MATTER :
OF : ORDER
MAHENDRA C. UDANI, M.D. : BPMC #91-17

-----X

Upon the application of the Respondent, Mahendra C. Udani, M.D., which application is made a part hereof, it is ORDERED, that the application 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 seven days after mailing by certified mail.

SO ORDERED,

DATED: 7 December 1991

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER : APPLICATION
OF : FOR
MAHENDRA C. UDANI, M.D. : CONSENT
: ORDER

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

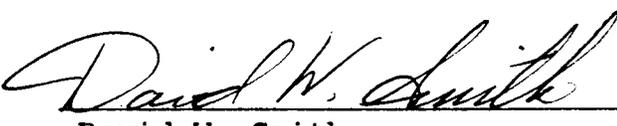
Date: 11/4/91


MAHENDRA C. UDANI, M.D.
Respondent

Date: 11/25/91


Mark Levin
Attorney for Respondent

Date: 11/26/91


David W. Smith
Assistant Counsel
Bureau of Professional
Medical Conduct

I hereby agree to the penalty that my license to practice as a physician in the State of New York be suspended until April 30, 1997, which is concurrent with my probation period in California, but that said suspension be stayed for the entire period and that I be put on probation until April 30, 1997 in accordance with the Terms of Probation set forth in Exhibit "B" attached hereto and made a part hereof.

I hereby make this application to the Board and request that it be granted.

I understand that in the event that this application is not granted, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, and such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of any professional misconduct disciplinary proceeding. Any such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the N.Y. Pub. Health Law.

I agree that in the event the Board grants my application as set forth herein, an order of the Chairperson of the Board may be issued in accordance with same.

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Mahendra C. Udani

MAHENDRA C. UDANI, M.D.
Respondent

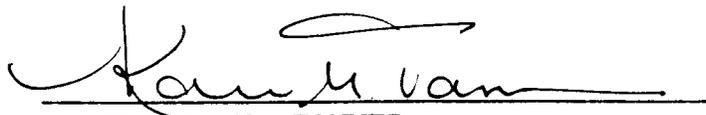
Sworn to before me this
14th day of NOVEMBER, 1991

Mary E. Bonito

NOTARY PUBLIC

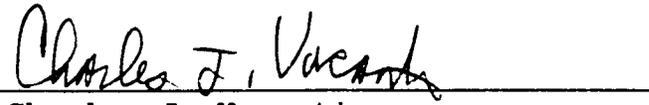


Date: Dec 11, 1991



KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 9 December 1991



Charles J. Vacanti
Chairperson
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MAHENDRA C. UDANI, M.D. : CHARGES

-----X

MAHENDRA C. UDANI, M.D., the Respondent, was authorized to practice medicine in New York State on September 4, 1981 by the issuance of license number 147578 by the New York State Education Department. The Respondent is not currently registered to practice medicine in the State of New York.

SPECIFICATION

Respondent is charged with committing professional misconduct within meaning of N.Y. Educ. Law Section 6530(9)(b), as added by ch. 606, laws of 1991, by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state when the conduct upon which the finding was based would, if committed in New York State, constitute misconduct under the laws of New York in that:

By decision of the Board of Medical Quality Assurance (BMQA) of the State of California, and stipulation between BMQA and Respondent, both of which became effective on April 30, 1990, BMQA revoked the license of Respondent to practice medicine in California, stayed the revocation and placed him on probation for seven (7) years.

BMQA found that in 1987, during a digital rectal examination of a patient, Respondent fondled the patient's breast. The next day, Respondent caused and permitted such patient to orally copulate him.

BMQA held such actions constituted professional misconduct in violation of the Business and Professional Code of California, Sections 2234 and 2234(b) (gross negligence) and Section 726 (sexual abuse, misconduct, or relations with a patient).

Respondent's acts as found by BMQA constitute professional misconduct in New York State as defined in N.Y. Educ. Law Section 6530(4), as added by ch. 606, laws of 1991, (practicing with gross negligence) and 6530(20) as added by ch. 606, laws of 1991, (engaging in conduct in the practice of medicine which evidences moral unfitness to practice the profession).

DATED: Albany, New York

Chris Stern Hyman
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. MAHENDRA C. UDANI, Respondent, during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall comply with all federal, state and local laws, rules and regulations governing the practice of medicine in New York State;
3. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, (OPMC), New York State Health Department, Empire State Plaza, Tower Building, Albany, New York 12237-0614 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, OPMC that: 1) Respondent is currently registered with the New York State Education Department, unless Respondent submits written proof that Respondent has advised the New York State Education Department, that Respondent is not engaging in the practice of his profession in the State of New York and does not desire to register, and 2) Respondent has paid any fines which may have previously been imposed upon him by the Board of Regents. Proof of the above to be submitted no later than the first two months of the period of probation;
5. Should Respondent wish to engage in the practice of medicine in New York State, such practice shall be under the supervision of a licensed physician approved by the Director of OPMC. Such supervision may include unannounced review of patient records, unannounced actual observation of treatment of patients, unannounced review of the ordering practices of Respondent regarding controlled substances, interviews of Respondent and any other reasonable means of monitoring Respondent's practice. Such supervision shall continue for a period of two (2) years after the effective date of Respondent's registration.

6. For as long as Respondent is on probation in the State of California, he shall file with the Director of OPMC on a quarterly basis, copies of all reports or other submissions made by Respondent with the Board of Medical Quality Assurance of the State of California (BMQA) and copies of all reports, decisions, orders or evaluations concerning Respondent issued by BMQA during such probation;
7. As long as there is full compliance with every term of probation herein set forth, Respondent may continue to practice his profession in accordance with these terms. However, in the event of non-compliance with, or violation of, any terms of this probation, the Director of the Office of Professional Medical Conduct and/or the State Board for Professional Medical Conduct may initiate a Violation of Probation proceeding or any other proceeding authorized by the N.Y. Public Health Law.