



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

August 14, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Pravin K. Patel, M.D.
904 #35 Ivy Ridge Road
Syracuse, New York 13210

Marguerite A. Massett, Esq.
Hancock & Estabrook, LLP
MONY Tower I
P.O. Box 4976
Syracuse, New York 13221

RE: In the Matter of Pravin K. Patel, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 02-248) 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), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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,



Tyrone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

-----X
IN THE MATTER : DETERMINATION
: :
OF : AND
: :
PRAVIN K. PATEL, M.D. : ORDER
-----X

BPMC #02-248

A Notice of Hearing and Statement of Charges, both dated June 14, 2002, were served upon the Respondent, Pravin K. Patel, M.D. JOHN B. WALDMAN, M.D. (CHAIR), SHARON KURITZKY, M.D., AND REV. EDWARD J. HAYES, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10) (Executive) of the Public Health Law. LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. The Department of Health appeared by Valerie B. Donovan, Esq., Assistant Counsel. The Respondent appeared by Hancock & Estabrook, LLP, Marguerite A. Massett, Esq., of Counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

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

PROCEDURAL HISTORY

Date of Service:	June 14, 2002
Pre-Hearing Conference:	July 2, 2002 (by phone)
Hearing Held:	July 11, 2002
Witnesses for Petitioner:	None
Witnesses for Respondent:	Pravin K. Patel, M.D. Burk Jubelt, M.D.
Deliberations Held:	July 11, 2002

STATEMENT OF CASE

Petitioner has charged Respondent with twenty specifications of professional misconduct. The charges relate to allegations that Respondent made false and fraudulent statements on applications for medical licensure in Connecticut, New York, Iowa and Pennsylvania, as well as on applications to Crouse Hospital in Syracuse, New York. The charges include allegations of willfully making and filing false reports, fraudulent practice of the profession, moral unfitness, violations of Public Health Law §2805-k, and of being the subject of disciplinary action by the duly authorized professional disciplinary agencies of the states of Iowa and Pennsylvania. Respondent submitted an Answer in which he essentially admitted the underlying facts, but denied that he intended to commit fraud.

A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent 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.

1. Pravin K. Patel, M.D. (hereinafter "Respondent"), was authorized to practice medicine in New York State by the New York State Education Department's issuance of license number 219787 on November 15, 2000. (Pet. Exh. #2).

2. From on or about July 1, 1993 through January 10, 1994, Respondent was a resident at the University of Medicine and Dentistry of New Jersey, New Jersey Medical School (hereinafter "UMDNJ"). During this time, UMDNJ placed Respondent on academic probation for unsatisfactory clinical performance. In or about November, 1993, UMDNJ notified Respondent that his contract would not be renewed for the following year. In or about January, 1994, Respondent resigned from the program. (Ex. #3; Ex. A).

3. On or about July 27, 1994, Respondent started a neurology residency program at the Medical College of Pennsylvania (hereinafter "MCP"). On or about October 5, 1994, Respondent resigned from this position at the suggestion of the Department of Neurology. (Ex. #3; Ex. A).

4. From in or about July, 1995, through in or about June, 1998, Respondent was a Neurology resident at the University of Connecticut Health Center, School of Medicine (hereinafter "University of Connecticut"). Respondent repeated the second year of training. He was not awarded credit for the 1996-1997 or 1997-1998 academic years, and his contract was not renewed for the 1998-1999 academic year. Respondent was on probation for a portion of the time at the University of Connecticut. Respondent received credit for twelve months of rotations during this thirty-six month period. (Ex. #3; Ex. A).

5. On or about May 26, 1997, Respondent signed a physician application for licensure with the State of Connecticut, Department of Public Health, and responded "No" to question #1 which asked, "Have you ever been censured, disciplined, dismissed or expelled from, had admissions monitored or restricted, had privileges limited, suspended or terminated, been put on probation, or been requested to resign

or withdraw from the following: - Any professional school, clinical clerkship, internship, externship, preceptorship or postgraduate training program?", when he knew that he had been on probation during his residency with UMDNJ, he knew that MCP had requested that he resign from its residency program, and he knew that he had been on probation with the University of Connecticut. (Ex. #3; Ex. A).

6. On or about June 30, 1998, Respondent signed a Registration for New House Officers form with the State University of New York Health Science Center, Syracuse, New York (hereinafter "SUNY Upstate"). In response to the section entitled "Prior Residencies", Respondent failed to include his resident position with UMDNJ and failed to include his resident position with MCP. (Ex. #4; Ex. A).

7. On or about January 4, 2000, Respondent signed an application for reinstatement of his physician license with the State of Connecticut Department of Public Health. He responded "NO" to question #1 which asked, "Have you ever been censured, disciplined, dismissed or expelled from, had admissions monitored or restricted, had privileges limited, suspended or terminated, been put on probation, or been requested to resign or withdraw from any of the following: - Any professional school, clinical clerkship, internship,

externship, preceptorship or postgraduate training program?", when he knew that he had been on probation during his residency with UMDNJ, and that MCP had requested that he resign from the residency program, and that he had been on probation and that his residency contract had been terminated by the University of Connecticut. (Ex. #3; Ex. A).

8. On June 20, 2000, Respondent signed an Application for License and First Registration with the New York State Education Department, and responded "No" to question #9 which asked, "Have you previously applied for a New York State license or a limited permit to practice medicine?", when he knew that on or about September 18, 1993, he had applied for a medical license with the New York State Education Department. (Ex. #2; Ex. A).

9. On or about August 31, 2000, the Board of Medical Examiners of the State of Iowa (hereinafter the "Iowa Board") denied Respondent's application for a license to practice medicine. The denial was based on the following false statements Respondent provided on his application: (1) Respondent stated that from July 1, 1993 to June 30, 1995, he "took care of family emergencies and got married in India", when during that period he was participating in post-graduate programs at UMDNJ (7/93 - 1/94), and at the MCP (7/94 -

10/94); (2) in Section 6 (Post-Graduate Training), Respondent failed to list the post-graduate programs at UMDNJ and at the MCP; (3) Respondent falsely answered "No" to the question, "Have you ever been terminated or requested to withdraw from any medical school or training program?"; (4) Respondent falsely answered "No" to the question, "Have you ever been requested to repeat a portion of an internship, residency, or fellowship program?"; and (5) Respondent falsely answered "No" to the question, "Have you ever received a warning, reprimand, or been placed on probation during an internship, residency, or fellowship program?". (Ex. #3; Ex. A).

10. On or about December 21, 2000, Respondent signed a Mandatory Questionnaire, App-One, with Crouse Hospital, Syracuse, New York, and falsely answered "No" to question #2 (License Information) which asked, "Has your license to practice, in your profession, ever been denied, limited, suspended, revoked, or subject to probation or any conditions or limitations in any state?", when he knew that on or about August 31, 2000, the Iowa Board denied his application for a license to practice medicine. (Ex. #3; Ex. #5; Ex. A).

11. On or about May 21, 2002, the State Board of Medicine, Commonwealth of Pennsylvania (hereinafter the "Pennsylvania Board"), adopted a Consent Agreement and Order

in which Respondent surrendered his license to practice medicine in the Commonwealth. In this Order, the Pennsylvania Board made the finding that the Iowa Board had denied Respondent's application for licensure, and found that this denial subjected Respondent to disciplinary measures in the Commonwealth pursuant to the Medical Practice Act, 63 P.S. §422.41(4). (Ex. #6; Ex. A).

CONCLUSIONS OF LAW

Respondent is charged with twenty specifications alleging professional misconduct within the meaning of Education Law §6530. This statute sets forth numerous forms of conduct which constitute professional misconduct, but does not provide definitions of the various types of misconduct. During the course of its deliberations on these charges, the Hearing Committee consulted a memorandum prepared by the General Counsel for the Department of Health. This document, entitled "Definitions of Professional Misconduct Under the New York Education Law" sets forth suggested definitions for gross negligence, negligence, gross incompetence, incompetence, and the fraudulent practice of medicine.

The following definition taken from this memorandum was utilized by the Hearing Committee during its deliberations:

Fraudulent Practice is the intentional misrepresentation or concealment of a known fact, made in some connection with the practice of medicine. Choudhry v. Sobol, 170 A.D.2d 893, 566 N.Y.S.2d 723 (3rd Dept. 1991), citing Brestin v. Commissioner of Education, 116 A.D.2d 357, 501 N.Y.S.2d 923 (3rd Dept. 1986). In order to sustain a charge that a licensee was engaged in the fraudulent practice of medicine, the hearing committee must find that (1) a false representation was made by the licensee, whether by words, conduct or concealment of that which should have been disclosed, (2) the licensee knew the representation was false, and (3) the licensee intended to mislead through the false representation. Sherman v. Board of Regents, 24 A.D.2d 315, 266 N.Y.S.2d 39 (3rd Dept. 1966), aff'd, 19 N.Y.2d 679, 278 N.Y.S.2d 870 (1967).

Respondent has also been charged with willfully making and filing false reports. Willful has been defined as "Proceeding from a conscious motion of the will; voluntary. Intending the result which actually comes to pass; designed; intentional; not accidental or involuntary". Black's Law Dictionary (5th Edition, 1979).

Using the above-referenced definitions as a framework for its deliberations, the Hearing Committee made the following conclusions of law pursuant to the factual findings listed

above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

There is no dispute as to the underlying facts in this case. Respondent has admitted to the factual allegations, while denying any intent to defraud. He first claimed that he was under the impression that he was only required to document completed residencies. He further claimed that this meant only those residencies for which he received academic credit. (See, T. 40).

This explanation is not credible. The language in the various applications was clear and unambiguous. (See, e.g. Ex. #3, p.102 - Connecticut Licensure Reinstatement Application dated January 4, 2000). Respondent was required to disclose all residency programs, including those from which he resigned or was forced to withdraw. Respondent eventually acknowledged that the reason he did not disclose the failed residencies was that he was embarrassed and ashamed to mention them. (T. 100).

It is thus clear that Respondent *intentionally* left out any reference to his New Jersey and Pennsylvania residencies. The Committee inferred from this fact that Respondent made false statements to the various licensing authorities, to SUNY Upstate and the insurance plan which were intended to misrepresent material facts regarding his medical

training, and that Respondent knew the statements were false. The Committee further inferred that Respondent intended to mislead the various licensing authorities, SUNY Upstate and the insurance plan through the false representation. Thus, the Hearing Committee concluded that Respondent's conduct constituted the fraudulent practice of medicine in violation of New York Education Law §6530(2). The Committee therefore voted to sustain the Ninth through Fourteenth Specifications of professional misconduct set forth in the Statement of Charges.

It is clear that Respondent intentionally made false statements on the various applications at issue. Thus, Respondent is also guilty of willfully making and filing false reports, in violation of New York Education Law §6530(21). Accordingly, the Third through Eighth Specifications are sustained.

The Iowa Board denied Respondent's application for licensure because of the false statements made on his application. Further, Respondent surrendered his Pennsylvania medical license after disciplinary action was begun by the Pennsylvania Board. This action was also based on the false statements made by Respondent. Respondent's conduct, would, if committed in New York State, constitute professional misconduct in violation of New York Education Law §6530(1) [obtaining the

license fraudulently]; §6530(2) [practicing the profession fraudulently]; §6530(21) [willfully making and filing false reports]; and §6530(20) [conduct in the practice of medicine which evidences moral unfitness]. Therefore, the Hearing Committee voted to sustain the First and Second Specifications of professional misconduct.

Respondent repeatedly lied to state medical boards, hospitals, and insurance plans, in order to hide his past, and obtain residency training, licensure, employment and insurance reimbursement. He has seriously violated the moral and ethical standards of the medical profession. Therefore, the Hearing Committee found Respondent guilty of conduct in the practice of medicine which evidences moral unfitness in violation of New York Education Law §6530(20). The Committee sustained the Fifteenth through Nineteenth Specifications of professional misconduct.

As previously noted, Respondent failed to disclose his New Jersey and Pennsylvania residencies on his house officers' registration at SUNY Upstate. This information was required pursuant to the provisions of Public Health Law §2805-k. Therefore, the Hearing Committee concluded that Respondent is guilty of violating New York Education Law §6530(14), and voted to sustain the Twentieth Specification.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine as a physician in New York State should be revoked. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Hearing Committee gave serious consideration to merely suspending Respondent's license for a period of time, with a period of probation. In deciding against suspension or probation, the Committee determined that Respondent has very little potential for rehabilitation. Respondent is not the first physician to have difficulties during residency training, nor is he the first physician to be placed under a great deal of stress due to personal problems while in training. Had Respondent faced up to his problems and disclosed them appropriately, he would not be before this Hearing Committee.

However, Respondent chose to deliberately hide the truth from the licensing boards in Iowa, Pennsylvania, Connecticut, and New York. Were it not for the investigative efforts of the Iowa Board, Respondent's fraud might never have

come to light. At the hearing, Respondent testified that following the Iowa Board action, he became much more careful about the way he disclosed information on his applications. (T. 60-61). However, the Iowa Board denied Respondent's licensure application on August 31, 2000. (Ex. 3). In an application for participation in an insurance plan, dated December 21, 2000, Respondent **again** lied about the failed residencies in New Jersey and Pennsylvania. He also lied when he failed to disclose the fact that the Iowa Board had denied his application for licensure. (Ex. 5, pp. 82-83).

Respondent's medical career is built on a foundation of lies. He was able to enter the neurology residencies in Connecticut and Syracuse because he hid the incomplete residencies in New Jersey and Pennsylvania. Dr. Jubelt, the chairman of the neurology department at SUNY Upstate, testified as a character witness for Respondent. He acknowledged that he would have difficulty relying on the trustworthiness of the medical practice and records of a physician who repeatedly lied on credential applications. We fully agree.

Respondent has yet to accept full responsibility for his actions. He sought to deflect blame for his lies on individuals at the medical schools at UMDNJ and MCP. He also sought to deflect responsibility for the consequences of his

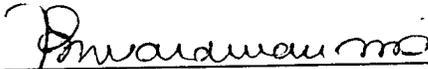
misconduct on this Committee, rather than upon himself. (See, T. 147). Absent such acceptance of responsibility, this Committee has no confidence that Respondent would not lie and commit fraud in the future. Based upon the totality of the circumstances, the Hearing Committee unanimously determined that revocation is the only appropriate sanction to impose on this Respondent.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The First through Twentieth Specifications of professional misconduct, as set forth in the Statement of Charges, (Petitioner's Exhibit #1) are SUSTAINED;
2. Respondent's license to practice medicine as a physician in New York State be and hereby is REVOKED;
3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Troy, New York
August 6, 2002



JOHN B. WALDMAN, M.D. (CHAIR)

SHARON KURITZKY, M.D.
REV. EDWARD J. HAYES

TO: Valerie B. Donovan, Esq.
Assistant Counsel
New York State Department of Health
Corning Tower Building - Room 2512
Empire State Plaza
Albany, New York 12237

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Marguerite A. Massett, Esq.
Hancock & Estabrook, LLP
MONY Tower I
P.O. Box 4976
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APPENDIX I

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

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IN THE MATTER : STATEMENT
OF : OF
PRAVIN K. PATEL, M.D. : CHARGES

-----X

PRAVIN K. PATEL, M.D., the Respondent, was authorized to practice as a physician in New York State on November 15, 2000, by the issuance of license number 219787 by the New York State Education Department. Respondent is currently registered with the New York State Education Department.

FACTUAL ALLEGATIONS

A. From on or about July 1, 1993 through January 10, 1994, Respondent was a resident at the University of Medicine and Dentistry of New Jersey, New Jersey Medical School (hereinafter UMDNJ). During this time, UMDNJ placed Respondent on academic probation for unsatisfactory clinical performance. In or about November, 1993, UMDNJ notified Respondent that his contract would not be renewed for the following year. In or about January, 1994, Respondent resigned from the program.

B. On or about July 27, 1994, Respondent started a neurology residency program at the Medical College of Pennsylvania (hereinafter MCP). On or about October 5, 1994, Respondent resigned from this position at the suggestion of the

Department of Neurology.

C. From in or about July, 1995, through in or about June, 1998, Respondent was a Neurology resident at the University of Connecticut Health Center, School of Medicine (hereinafter University of Connecticut). Respondent repeated the second year of training, he was not awarded credit for for the 1996-1997 or 1997-1998 academic years, and/or his contract was not renewed for the 1998-1999 academic year. Respondent received credit for twelve months of rotations during this thirty-six month period.

D. On or about May 26, 1997, Respondent signed a physician application for licensure with the State of Connecticut, Department of Public Health, and fraudulently and/or willfully responded "No" to question 1 which asked, "Have you ever been censured, disciplined, dismissed or expelled from, had admissions monitored or restricted, had privileges limited, suspended or terminated, been put on probation, or been requested to resign or withdraw from any of the following: - Any professional school, clinical clerkship, internship, externship, preceptorship or postgraduate training program?", when he knew that he had been on probation during his residency with UMDNJ (see paragraph A above), he knew that MCP had requested that he resign from its residency program (see paragraph B above), and/or he knew that he had been on probation with the University of Connecticut.

E. On or about June 30, 1998, Respondent signed a

Registration for New House Officers form with the State University of New York Health Science Center, Syracuse, New York, and in response to the section entitled "Prior Residencies", Respondent fraudulently and/or willfully failed to include his resident position with UMDNJ (see paragraph A above) and/or failed to include his resident position with MCP (see paragraph B above).

F. On or about January 4, 2000, Respondent signed an application for reinstatement of his physician license with the State of Connecticut Department of Public Health, and fraudulently and/or willfully responded "No" to question 1 which asked, "Have you ever been censured, disciplined, dismissed or expelled from, had admissions monitored or restricted, had privileges limited, suspended or terminated, been put on probation, or been requested to resign or withdraw from any of the following: - Any professional school, clinical clerkship, internship, externship, preceptorship or postgraduate training program?", when he knew that he had been on probation during his residency with UMDNJ (see paragraph A above), he knew that MCP had requested that he resign from the residency program (see paragraph B above), and/or he knew that he had been on probation and/or that his residency contract had been terminated by the University of Connecticut.

G. On June 20, 2000, Respondent signed an Application for License and First Registration with the New York State Education Department, and fraudulently and/or wilfully responded

"No" to question 9 which asked, "Have you previously applied for a New York State license or a limited permit to practice medicine?", when he knew that on or about September 18, 1993, he had applied for a medical license with the New York State Education Department.

H. On or about August 31, 2000, the Board of Medical Examiners of the State of Iowa [hereinafter Iowa Board] denied Respondent's application for a license to practice medicine. The denial was based on the following false statements Respondent provided on his application for licensure: (1) Respondent stated that from July 1, 1993, to June 30, 1995, he "took care of family emergencies and got married in India", when during that period he was participating in post-graduate programs at UMDNJ (7/93-1/94) and at the MCP (7/94-10/94); (2) in Section 6 (Post-Graduate Training), Respondent again failed to list the post-graduate programs at UMDNJ and at the MCP that he did not complete; (3) Respondent answered "No" to the question, "Have you ever been terminated or requested to withdraw from any medical school or training program?", when (a) information from the MCP suggested that Respondent withdrew from its post-graduate training program following poor performance reviews, (b) the University of Connecticut chose not to renew Respondent's contract after he received twelve months of credit during a thirty-six month training period, and (c) Respondent resigned his position with UMDNJ after being notified that his contract would not be renewed; 4) Respondent answered "No" to the question, "Have you ever been requested to repeat a portion of an internship,

residency, or fellowship program?", when Respondent had been placed on academic probation at the University of Connecticut due to unsatisfactory evaluations during his first year, and was asked to repeat the second year of the training program due to unsatisfactory evaluations; and 5) Respondent answered "No" to the question, "Have you ever received a warning, reprimand, or been placed on probation during an internship, residency, or fellowship program?", when Respondent was placed on probation by the UMDNJ for unsatisfactory clinical performance, and was placed on academic probation for over a year by the University of Connecticut.

I. Respondent's conduct which formed the basis for the Iowa Board to deny Respondent's application for a medical license would, if committed in New York State, constitutes professional misconduct, namely: obtaining the license fraudulently, N.Y. Educ. Law § 6530(1); practicing the profession fraudulently, N.Y. Educ. Law § 6530(2); willfully making or filing a false report, N.Y. Educ. Law § 6530(21); and/or conduct in the practice of medicine which evidences moral unfitness, N.Y. Educ. Law § 6530(20).

J. On or about December 21, 2000, Respondent signed a Mandatory Questionnaire, App-One, with Crouse Hospital, Syracuse, New York, and fraudulently answered "No" to question 2 (License Information) which asked, "Has your license to practice, in your profession, ever been denied, limited, suspended, revoked, or

subject to probation or any conditions or limitations in any state?", when he knew that on or about August 31, 2000, the Board of Medical Examiners of the State of Iowa denied his application for a license to practice medicine (see paragraph H above).

K. On or about May 21, 2002, the State Board of Medicine, Commonwealth of Pennsylvania (Board), adopted a Consent Agreement and Order in which Respondent surrendered his license to practice medicine in the Commonwealth. In this Order, the Board made the finding that on July 27, 2000, the Iowa Board of Medical Examiners denied Respondent's application for a permanent license to practice medicine (the Board attached the Iowa Notice of Denial of License as an exhibit), and found that this denial subjected Respondent to disciplinary measures in the Commonwealth pursuant to the Medical Practice Act, 63 P.S. §422.41(4).

L. The conduct for which Respondent was disciplined for by the Commonwealth of Pennsylvania would, if committed in New York State, constitute professional misconduct, namely, obtaining the license fraudulently, N.Y. Educ. Law § 6530(1); practicing the profession fraudulently, N.Y. Educ. Law § 6530(2); willfully making or filing a false report, N.Y. Educ. Law § 6530(21); and/or conduct in the practice of medicine which evidences moral unfitness, N.Y. Educ. Law § 6530(20).

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) in that he had his application for a license to practice medicine refused by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the denial would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts of paragraphs H and/or I.

SECOND SPECIFICATION

DISCIPLINARY ACTION BY ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) in that he voluntarily surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the denial would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts of paragraphs H, K and/or L.

THIRD THROUGH EIGHTH SPECIFICATIONS

WILLFULLY FILING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making and filing a false report, in that Petitioner charges:

3. The facts of paragraphs A, B, C and/or D.
4. The facts of paragraphs A, B and/or E.
5. The facts of paragraphs A, B, C and/or F.
6. The facts of Paragraph G.
7. The facts of paragraphs A, B, C and/or H.
8. The facts of paragraphs H, I and/or J.

NINTH THROUGH FOURTEENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by New York Education Law § 6530(2) by practicing the profession of medicine fraudulently, in that Petitioner charges:

9. The facts of paragraphs A, B, C and/or D.
10. The facts of paragraphs A, B and/or E.
11. The facts of paragraphs A, B, C and/or F.
12. The facts of paragraph G.
13. The facts of paragraphs A, B, C and/or H.
14. The facts of paragraphs H, I and/or J.

FIFTEENTH THROUGH NINETEENTH SPECIFICATIONS

MORAL UNFITNESS

Respondent is charged with committing professional

misconduct as defined by New York Education Law § 6530(20) by conduct in the practice of medicine which evidences moral unfitness, in that Petitioner charges:

15. The facts of paragraphs A, B, C and/or D.
16. The facts of paragraphs A, B and/or E.
17. The facts of paragraphs A, B, C and/or F.
18. The facts of paragraphs A, B, C and/or H.
19. The facts of paragraphs H, I and/or J.

TWENTIETH SPECIFICATION

VIOLATION OF PUBLIC HEALTH LAW SECTION 2805-K

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(14) by violating Public Health Law § 2805-k, in that Petitioner charges:

20. The facts of paragraphs A, B and/or E.

DATED: *June 14*, 2002
Albany, New York


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