



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

July 16, 1999

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Shashank Chandulal Patel, M.D.
1208 Timberland Drive
Decatur, AL 35603

RE: License No. 151556

Dear Dr. Patel:

Enclosed please find Order #BPMC 99-173 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 16, 1999.**

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: J. Timothy Coyle, P.C.
P.O. Box 43693
Birmingham, AL 35243

Mark T. Fantauzzi, Esq.

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

-----x
IN THE MATTER
OF
SHASHANK CHANDULAL PATEL, M.D.
-----x

CONSENT
AGREEMENT
AND
ORDER
BPMC #99-173

SHASHANK CHANDULAL PATEL, M.D., being duly sworn, deposes and says:

That on or about September 24, 1982, I was licensed to practice as a physician in the State of New York, having been issued License No. 151556 by the New York State Education Department. My current address is 1208 Timberland Drive, Decatur, Alabama, 35603. I will advise the Director of the Office of Professional Medical Conduct (hereafter "Director") of any change of my address.

I understand that the New York State Board for Professional Medical Conduct (hereafter "Board") has charged me with two specifications of professional misconduct. A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the charges contained in the allegations of professional misconduct and to the specifications of professional misconduct made against me, and I hereby agree to the following penalty:

My license to practice medicine in the State of New York shall be suspended wholly for a minimum period of one year and until a Committee on Professional Conduct of the Board for Professional Medical Conduct (hereafter "Committee") determines that I am no longer incapacitated for the practice of medicine. Additionally, I shall not be permitted to make application for the restoration of my medical license until such time as my license to practice medicine in the State of Alabama has been reinstated. Said period of suspension shall be effective upon the execution of this Agreement and Order by all necessary parties and upon the effecting of service of this Agreement and Order upon me and/or my attorney. I expressly acknowledge that this suspension of my medical license constitutes a public disciplinary order.

After the expiration of the minimum one year period of suspension, and after my license

5/2/84

to practice medicine in the State of Alabama has been reinstated, I may apply to the Board for restoration of my license. I understand that my license will be restored only if I make a showing to a Committee that I am no longer incapacitated for the active practice of medicine. This showing shall include proof that I have successfully completed a course of therapy or treatment approved by the Board. I understand and hereby agree that whether I have successfully completed the approved course of treatment shall be determined in the sole reasonable discretion of the Board, exercised by a Committee, after I have met a burden of proof and persuasion by a preponderance of the evidence in a proceeding as set forth in this Agreement and Order. I understand and agree that the Committee's decision shall not be reviewable through recourse to the Administrative Review Board, or otherwise.

I understand and agree that my application for restoration will not be submitted to a Committee until I have provided certain minimum evidence of my fitness and competence as set forth in Exhibit B. The Board will make reasonable attempts to convene a Committee no later than 90 days after my request, which shall not be deemed to have been perfected until receipt by the Director of all that is required to be provided by me pursuant to Exhibit B. I understand and agree that proceedings before said Committee shall not be in the nature of a hearing pursuant to New York Public Health Law §230, but shall, instead, be informal and intended only for the purpose of addressing any and all facts, evidence, circumstances, or issues which do or may relate to the advisability of terminating the suspension of my license. I understand and agree that the procedural nature of said proceeding shall be determined by the Board through the discretion of the Office of Professional Medical Conduct. In the event that my application for restoration is denied, I understand and agree that I may make a further application for restoration only after a period of six months from the date of denial.

I agree to take one hundred (100) hours of continuing medical education in accordance with the terms and conditions set forth in Exhibit C.

I understand that any failure by me to comply with the terms and conditions of this Agreement and Order, including all conditions imposed upon my practice at the time of termination of my suspension, may result in further disciplinary action being brought against me charging professional misconduct as defined by the New York State Education Law, including but not limited to N.Y. Educ. Law Section 6530(29). That section defines professional

misconduct to include "violating any... condition... imposed on the licensee pursuant to section two hundred thirty of the public health law."

I agree that in the event I am charged with professional misconduct in the future, this Agreement and Order shall be admitted into evidence in that proceeding.

I understand that I cannot engage in the practice of medicine before complying with and otherwise satisfying all of the terms and conditions of this Agreement and Order required before my license can be restored. Should I engage in the practice of medicine before complying with such conditions, I acknowledge that I will be guilty of the unauthorized practice of medicine and will be subject to all administrative, civil, criminal, and other penalties prescribed by law.

I agree to submit signed statements to the Director of OPMC on an annual basis, or on such other basis or bases as required by the Director of OPMC, certifying that I have not practiced medicine in violation of this Agreement and Order.

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 by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence; and 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 Public Health Law.

I acknowledge that I have consulted with and have had the benefit of the advice of an attorney of my choice prior to my executing this Agreement and Order. I acknowledge that I understand and comprehend the language, meaning, terms, and effect of this Agreement and Order.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

AFFIRMED

DATED: ~~June~~ July 1, 1999

Dec

Shashank Chandulal Patel
SHASHANK CHANDULAL PATEL, M.D.
RESPONDENT

5.1.99

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

DATE: July 1, 1999


J. TIMOTHY COYLE
Attorney for Respondent

DATE: July 6, 1999


MARK T. FANTAUZZI
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: July 9, 1999


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

-----X

IN THE MATTER
OF
SHASHANK CHANDULAL PATEL, M.D.

CONSENT
ORDER

-----X

Upon the proposed agreement of SHASHANK CHANDULAL PATEL, M.D.
(Respondent) for Consent Order, which application is made a part hereof, it is agreed to and
ORDERED, that the application and the provisions thereof are hereby adopted and so
ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be
accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the
address set forth in this agreement or to Respondent's attorney by first class mail, or upon
transmission by facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 7/13/99

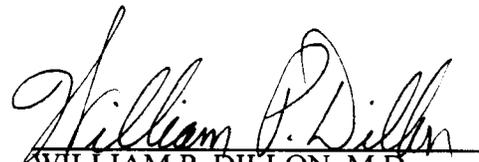

WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

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

-----X

IN THE MATTER : STATEMENT
OF : OF
SHASHANK CHANDULAL PATEL, M.D. : CHARGES

-----X

SHASHANK CHANDULAL PATEL, M.D., the Respondent, was authorized to practice medicine in New York State on September 24, 1982, by the issuance of license number 151556 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On January 26, 1999, the Alabama Board of Medical Examiners, (hereinafter the "Alabama Board"), filed a Petition and Administrative Complaint with the Medical Licensure Commission of the State of Alabama, (hereinafter the "Alabama Licensure Commission"), which sought an order for the immediate suspension of the medical license of Respondent. Among other things, the Alabama Board found and certified that "the continuation in practice of the Respondent, Shashank C. Patel, M.D., constitutes an immediate danger to his patients and to the public." On January 27, 1999, the Alabama Licensure Commission, in reliance upon the certified findings of the Alabama Board, issued an order temporarily and summarily suspending the medical license of Respondent in which it also ordered Respondent to

"surrender (his medical) license certificate, his controlled substances registration certificate and all controlled substances of which (Respondent had) possession...", to the duly authorized agent of the Alabama Licensure Commission.

B. Respondent is a medical doctor, board certified in pulmonary medicine, and has practiced medicine in the state of Alabama. The summary suspension of Respondent's Alabama medical license by the Alabama Licensure Commission was, as noted above, based upon a Petition and Administrative Complaint in which the Alabama Board certified its findings that the continued practice of Respondent constituted an immediate threat of harm to the citizens of the state of Alabama. Based upon the results of its investigation, the Alabama Board determined that there was probable cause to believe that Respondent committed the following acts of misconduct, among others, which are prohibited by the governing laws of Alabama:

1. Engaged in immoral, unprofessional or dishonorable conduct.
2. Dispensed, furnished or supplied to himself for self-administration controlled substances for reasons other than a legitimate medical purpose.
3. Had staff privileges removed by an Alabama hospital due to medical incompetence, moral turpitude, or drug or alcohol abuse.
4. Was unable to practice medicine with reasonable skill and safety to patients due to illness, inebriation,

502

excessive use of drugs, narcotics, alcohol, chemicals or other substances, or as a result of mental or physical conditions.

C. The allegations, among others, supporting the summary suspension of Respondent's medical license by the Alabama Licensure Commission included:

1. Respondent, on or about October 9, 1998, was convicted of Driving Under the Influence (DUI).
2. In or about September 1998, Respondent was reported to the Physician's Recovery Network of the Medical Association of the State of Alabama for suspected impairment.
3. On or about December 15, 1998, Respondent was complained of by a Patient who contended that Respondent, during an appointment, exhibited slurred speech, was staggering, and fell asleep during the appointment.
4. On or about December 21, 1998, while attending patients in an emergency room, Respondent exhibited slurred speech, impaired motor skills, and wrote patient care orders which, upon the review of other physicians, were deemed to be inconsistent and nonsensical. In connection with this episode Respondent submitted to a urine drug screen which was determined to be positive for barbiturates (butalibital), benzodiazepines (Oxazepam and Temazepam), and opiates (Hydromorphone

and Morphine).

5. Respondent, on January 13, 1999, during a psychiatric evaluation, admitted to having self-medicated with the following drugs:

- a. Endal HD, a controlled substance
- b. MS Contin, a controlled substance.
- c. Oxazepam, a controlled substance.
- d. Esgic Plus, a non-controlled drug containing barbiturate.

D. On June 8, 1999, the Alabama Licensure Commission issued an Order suspending Respondent's medical license for a minimum period of one year. In its Order the Alabama Licensure Commission expressly found that Respondent:

1. Practiced medicine in such a manner as to have engaged in immoral, unprofessional or dishonorable conduct, in violation of Alabama law.
2. Dispensed to himself for self-administration controlled substances for reasons other than a legitimate medical purpose, in violation of Alabama Law.
3. Had staff privileges removed by an Alabama Hospital due to drug or alcohol abuse, in violation of Alabama law.
4. Was determined by the Alabama Board to require

661

appropriate drug and substance abuse counseling and continuing aftercare because Respondent was unable to practice medicine with reasonable skill and safety to his patients by reason of excessive use of drugs.

E. The conduct resulting in the institution of disciplinary proceedings against Respondent, the summary suspension of Respondent's medical license, and the suspension of Respondent's medical license, constitutes professional misconduct pursuant to the specifications of misconduct hereinafter set forth, and would constitute professional misconduct under the laws of New York State including, but not limited to, the following sections of New York state law:

1. New York Education Law section 6530(9)(c)-(finding of guilt in an adjudicatory proceeding relating to the violation of state statutes);
2. New York Education Law section 6530(9)(a)(iii)-(conviction of crime in another state);
3. New York Education Law section 6530(8)-(habitual use of narcotics, alcohol, or drugs);
4. New York Education Law section 6530(7)-(practicing medicine while impaired by drugs);
5. New York Education Law section 6530(3)-(negligence on more than one occasion);

6. New York Education Law section 6530(4)-(gross negligence);
7. New York Education Law section 6530(5)-(incompetence on more than one occasion);
8. New York Education Law section 6530(6)-(gross incompetence)
9. New York Education Law section 6530(16)-(wilful or grossly negligent failure to follow laws governing the practice of medicine);
10. New York Education Law section 6530(20)-(moral unfitness)

SPECIFICATIONS

FIRST SPECIFICATION

**SUSPENSION OF MEDICAL LICENSE AFTER INSTITUTION OF DISCIPLINARY
ACTION BY DISCIPLINARY AGENCY OF ANOTHER STATE**

Respondent is charged with professional misconduct in violation of Education Law section 6530(9)(d) by reason of his having his license to practice medicine in another state first summarily suspended, and then suspended upon the conclusion of a hearing, after the institution of disciplinary proceedings by a duly authorized disciplinary agency of another state where the conduct resulting in the suspension of Respondent's license to practice medicine in the other state, would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs A and/or B and/or B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or C and C.1, and/or C and C.2, and/or C and C.3, and/or C and C.4, and/or C and C.5, and/or C and C.5(a), and/or C and C.5(b), and/or C and C.5(c), and/or C and C.5(d), and/or D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4.

SECOND SPECIFICATION
FINDING OF GUILT OF IMPROPER PROFESSIONAL PRACTICE OR
PROFESSIONAL MISCONDUCT PROFESSIONAL DISCIPLINARY AGENCY OF
ANOTHER STATE

Respondent is charged with professional misconduct in violation of Education Law section 6530(9)(b) by reason of his 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 could, if committed in New York State, constitute professional misconduct under the laws of New York State, in that the Petitioner charges:

1. The facts in paragraphs A and/or B and/or B.1, and/or B and B.2, and/or B and B.3, and/or B and B.4, and/or C and C.1, and/or C and C.2, and/or C and C.3, and/or C and C.4, and/or C and C.5, and/or C and C.5(a), and/or C and C.5(b), and/or C and C.5(c), and/or C and C.5(d), and/or D and D.1, and/or D and D.2, and/or D and D.3, and/or D and D.4.

Dated: July 7, 1999
~~June 24~~
Albany, New York


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

PATELSFX.WPD(MTF)

EXHIBIT B

1. I request, agree, and understand that the suspension of my license shall be terminated no earlier than one year from the effective date of this Agreement and Order and only upon a showing to the satisfaction of a Committee on Professional Conduct of the State Board for Professional Medical Conduct (hereafter "Committee") that I am no longer incapacitated for the active practice of medicine. I understand that the determination that I am no longer incapacitated for the active practice of medicine shall be made solely by the Committee, and shall include, but not be limited to, a determination of successful completion of an approved course of therapy.

2. I request, agree, and understand that at the time that I request that a meeting of a Committee be scheduled, pursuant to paragraph 1, I will provide the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299, with the following:

- a. The signed acknowledgement from the sobriety monitor referred to in Exhibit C paragraph 4.
- b. The signed acknowledgement from the supervising physician referred to in Exhibit C paragraph 5.
- c. The signed acknowledgement from the health care professional referred to in Exhibit C paragraph 6.
- d. Certified true and complete copies of records of all evaluation and treatment, relating to my impairment, whether that evaluation and treatment occurred prior to or during the time this suspension is in effect. These records shall include documentation of the results of all urine/blood/breath tests conducted to detect the presence of drugs and/or alcohol. Such records shall include documentation of participation in the program of the Committee for Physicians' Health of the Medical Society of the State of New York, or other equivalent program.
- e. Fully executed waivers of patient confidentiality concerning any previous and prospective treatment records.
- f. A current in-depth chemical dependency evaluation by a health care professional in a licensed facility. Also, upon request of the Director of OPMC, an independent current psychiatric evaluation by a board certified psychiatrist.
- g. My attendance at, participation in, and cooperation with any interview conducted by personnel of OPMC, upon the request of the Director thereof.
- h. Documentation and proof of my completion of 100 hours of continuing medical education in the fields of medical ethics, pain management, and the prescribing of controlled substances. Said medical education and study shall be subject to the prior written approval of the Director of OPMC and be completed within the period of the suspension of my medical license.

i. Certified copies of any orders and other documentation from the Alabama Board of Medical Examiners reinstating Respondent's license to practice medicine in the State of Alabama. No application to lift the suspension of Respondent's medical license will be considered unless such certified orders and other documentation are so provided.

Provision of the aforesaid documents does not constitute a showing that I am no longer incapacitated for the active practice of medicine.

3. At the proceeding referred to in paragraph 1, I will provide the committee, at a minimum, with the following:
- a. Certified true and complete and current records of all psychiatric, psychological, and/or any other mental health treatment, evaluation, and/or testing, whether in an out-patient, in-patient, office, consultation setting.
 - b. Evidence of compliance with the terms of a continuing after-care out-patient treatment plan that addresses the major problems associated with my illness.
 - c. Evidence that I have maintained adequate knowledge and competence to practice as a physician. Such evidence shall include documentation of continuing medical education and, if so requested by the Director of OPMC, a report of an independent evaluation of my medical knowledge and competence.

Submission of the aforesaid evidence does not constitute a showing that I am no longer incapacitated for the active practice of medicine.

4. I request, agree, and understand that if the Chairperson of the Committee issues an Order finding that I am no longer incapacitated for the active practice of medicine, thereby terminating the suspension of my license, the Order shall further impose a period of probation, pursuant to New York Public Health Law §230-a, during which my practice of medicine shall be subject to conditions as described in Exhibit C.

50

EXHIBIT C
TERMS OF PROBATION

My practice shall be subject to the following terms of probation for a period of no less than five years:

1. I will remain drug and alcohol free with the exception of prescribed drugs that are part of an approved therapeutic regimen.
2. I will comply with the terms of a continuing after-care treatment plan that addresses the major problems associated with my illness.
3. At the direction of the Director of OPMC, I will submit to periodic interviews with, and evaluations by, a board certified psychiatrist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding my condition and my fitness or incapacity to practice medicine.
4. My sobriety will be monitored by a health care professional proposed by me and approved in writing by the Director of OPMC.
 - a. Said monitor shall be familiar with my history of chemical dependence, with this suspension and with the terms of probation to be set forth.
 - b. Said monitor shall see me at least twice during a quarter.
 - c. Said monitor shall direct me to submit to unannounced tests of my blood, breath and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is refused by me or is positive.
 - d. Said monitor shall report to OPMC any noncompliance with the imposed conditions.
 - e. Said monitor shall not be a personal friend.
 - f. Said monitor shall submit to OPMC quarterly reports certifying my compliance or detailing my failure to comply with each of the conditions imposed. The reports shall include the results of all body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.
5. I will be supervised in my medical practice by a licensed physician, proposed by me and approved in writing by the Director of OPMC. Said supervising physician shall be familiar with my history of chemical dependency, with this suspension and with the terms of probation to be set forth. Said supervising physician shall supervise my compliance with the conditions of practice to be imposed. Said supervising physician shall be in a position regularly to observe and assess my medical practice.

- a. Said supervising physician shall have the authority to direct me to submit to unannounced tests of my blood, breath, and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is refused by me or is positive.
 - b. Said supervising physician shall submit to OPMC quarterly reports regarding the quality of my medical practice, any unexplained absences from work and certifying my compliance or detailing my failure to comply with each condition imposed.
 - c. Said supervising physician shall report any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct to OPMC.
6. I will continue in treatment with a health care professional, proposed by me and approved, in writing, by the Director of OPMC, for as long as the health care professional determines it is necessary.
- a. My treating health care professional or program shall submit to OPMC quarterly reports certifying that I am complying with the treatment.
 - b. Said treating health care professional shall report to OPMC immediately if I am noncompliant with my treatment plan or if I demonstrate any significant pattern of absences.
7. I agree that in addition to the terms set out in paragraphs 1-6 and any other terms imposed by added by the Committee upon restoration of my license, I shall also be subject to the following standard terms of probation:
- a. I shall conduct myself in all ways in a manner befitting my professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by my profession.
 - b. I shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
 - c. I shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of my compliance with the terms of this Order. I shall personally meet with a person designated by the Director of OPMC as requested by the Director.
 - d. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the 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 or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].

- e. The period of probation shall be tolled during periods in which I am not engaged in the active practice of medicine in New York State. I shall notify the Director of OPMC, in writing, if I am not currently engaged in or intend to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. I shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon my return to practice in New York State. The tolling provision set forth in this paragraph may be waived by the Director of the OPMC, in the Director's discretion.
- f. My professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with me and my staff at practice locations or OPMC offices.
- g. I shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

8. I agree that the preceding terms shall be the minimum probation terms, related to my fitness to practice, to be imposed on my practice, and that other terms may be added by the Committee at the time of termination of my suspension, and that the costs of complying with all such terms will be my responsibility. I understand that any failure by me to comply with the conditions imposed upon my practice at the time of termination of my suspension, may result in further disciplinary action being brought against me charging professional misconduct as defined by the New York State Education Law, including but not limited to N.Y. Educ. Law Section 6530(29). That section defines professional misconduct to include "violating any... condition... imposed on the licensee pursuant to section two hundred thirty of the public health law."



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Dennis P. Whalen
Executive Deputy Commissioner

June 7, 1999

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Shashank C. Patel, M.D.
NYS License No. 151556

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Shashank C. Patel's right to practice medicine in the State of New York. This Order was issued on May 26, 1999, and is in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads "Anne Saile".

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

-----X

IN THE MATTER : COMMISSIONER'S
OF : SUMMARY
SHASHANK CHANDULAL PATEL, M.D. : ORDER

-----X

TO: SHASHANK CHANDULAL PATEL, M.D.
1208 TIMBERLAND DRIVE
DECATUR, ALABAMA 35603

1852 BELTLINE ROAD
DECATUR, ALABAMA 35601-5514

The undersigned, DENNIS P. WHALEN, Executive Deputy Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Facts Supporting Summary Order of Suspension attached hereto and made a part hereof, has determined that the duly authorized professional disciplinary agency of another jurisdiction [the state of Alabama] has made a finding substantially equivalent to a finding that the practice of medicine in that jurisdiction by SHASHANK CHANDULAL PATEL, M.D., the Respondent, constitutes an imminent danger to the health of its people.

It is therefore:

ORDERED, pursuant to N.Y. Pub. Health Law Section

230(12)(b), that effective immediately, Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Pub. Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct and shall commence within thirty (30) days after the disciplinary proceedings against Respondent in the state of Alabama are finally concluded [N.Y. Pub. Health. L. section 230(12)(b)].

The date and location of this hearing will be set forth in a written Notice of Summary Hearing and Statement of Charges to be provided to Respondent at a later date. The written Notice may be provided in person, by mail or other means.

If Respondent wishes to be provided this written Notice at an address other than the one noted above, he shall notify both the attorney whose name is set forth in this Order and the Director of the Bureau of Adjudication, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518-402-0748).

THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT YOUR LICENSE TO PRACTICE
MEDICINE IN NEW YORK STATE BE REVOKED OR

SUSPENDED, AND/OR THAT YOU BE FINED OR
SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW
YORK PUBLIC HEALTH LAW SECTION 230-a. YOU
ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: Albany, New York
May 26, 1999.



DENNIS P. WHALEN
Executive Deputy Commissioner

Inquiries should be directed to:

Mark T. Fantauzzi
Assistant Counsel
NYS Department of Health
Division of Legal Affairs
Corning Tower Building
Room 2509
Empire State Plaza
Albany, New York 12237-0032
(518) 473-4282

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

-----X

IN THE MATTER	:	STATEMENT OF FACTS
OF	:	SUPPORTING SUMMARY
SHASHANK CHANDULAL PATEL, M.D.	:	ORDER OF SUSPENSION

-----X

SHASHANK CHANDULAL PATEL, M.D., the Respondent, was authorized to practice medicine in New York State on September 24, 1982, by the issuance of license number 151556 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. On January 26, 1999, the Alabama Board of Medical Examiners, (hereinafter the "Alabama Board"), filed a Petition and Administrative Complaint with the Medical Licensure Commission of the State of Alabama, (hereinafter the "Alabama Licensure Commission"), which sought an order for the immediate suspension of the medical license of Respondent. Among other things, the Alabama Board found and certified that "the continuation in practice of the Respondent, Shashank C. Patel, M.D., constitutes an immediate danger to any patients and to the public." On January 27, 1999, the Alabama Licensure Commission, in reliance upon the certified findings of the Alabama Board, issued an order temporarily and summarily suspending the medical license of Respondent in which it also ordered Respondent to

"surrender (his medical) license certificate, his controlled substances registration certificate and all controlled substances of which (Respondent had) possession. . .", to the duly authorized agent of the Alabama Licensure Commission.

2. Respondent is a medical doctor, board certified in pulmonary medicine, and has practiced medicine in the state of Alabama. The summary suspension of Respondent's Alabama medical license by the Alabama Licensure Commission was, as noted above, based upon a Petition and Administrative Complaint in which the Alabama Board certified its findings that the continued practice of Respondent constituted an immediate threat of harm to the citizens of the state of Alabama. Based upon the results of its investigation, the Alabama Board determined that there was probable cause to believe that Respondent committed the following acts of misconduct prohibited by the governing laws of Alabama:

- a. Engaged in immoral, unprofessional or dishonorable conduct.
- b. Dispensed, furnished or supplied to himself for self-administration controlled substances for reasons other than a legitimate medical purpose.
- c. Had staff privileges removed by an Alabama hospital due to medical incompetence, moral turpitude, or drug or alcohol abuse.
- d. Being unable to practice medicine with reasonable skill

and safety to patients due to illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or other substances, or as a result of mental or physical conditions.

3. Certain of the allegations supporting the action taken by the Alabama Licensure Commission are as follows:

- a. Respondent, on or about October 9, 1998, was convicted of Driving Under the Influence (DUI).
- b. In or about September 1998, Respondent was reported to the Physician's Recovery Network of the Medical Association of the State of Alabama for suspected impairment.
- c. On or about December 15, 1998, Respondent was complained of by a Patient who contended that Respondent, during an appointment, exhibited slurred speech, was staggering, and fell asleep during the appointment.
- d. On or about December 21, 1998, while attending patients in an emergency room, Respondent exhibited slurred speech, impaired motor skills, and wrote patient care orders which, upon the review of other physicians, were deemed to be inconsistent and nonsensical. In connection with this episode Respondent submitted to a urine drug screen which was determined to be positive for barbiturates (butalibital), benzodiazepines

(Oxazepam and Temazepam), and opiates (Hydromorphone and Morphine).

e. Respondent, on January 13, 1999, during a psychiatric evaluation, admitted to having self-medicated with the following drugs:

- i. Endal HD, a controlled substance
- ii. MS Contin, a controlled substance.
- iii. Oxazepam, a controlled substance.
- iv. Esgic Plus; a non-controlled drug containing barbiturate.

4. The Respondent is presently awaiting further disciplinary action by the Alabama Licensure Commission.

Dated: May 26, 1999
Albany, New York

Peter Van Buren by wjc
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

PATELSF2.WPD(MTF)

To: Mr. Mike Waring
Office of Professional Medical Conduct

Fax #: (518) 402-0866

Re: U.S. v. McDaniel Holloway, M.D.
Civil No. 1:97MC10
97Z0008/001

Date: June 7, 1999

Pages: 2, including this cover sheet.

FACSIMILE

Attached please find a copy of the certified Abstract of Judgment in the above mentioned case. We will forward an original to you today at the following address:

Mr. Mike Waring
Office of Professional Medical Conduct
433 River Street, 4th Floor
Troy, NY 12180-2299

If you have additional questions, please contact me at the Charlotte Office.

Patti Gard
Financial Litigation Agent

From the desk of...

Patricia E. Gard
Financial Litigation Unit
U.S. Attorney's Office
Suite 1700, 227 W. Trade Street
Charlotte, NC 28202

(704) 344-6222, Ext. 141
Fax: (704) 344-6869

ABSTRACT OF JUDGMENT

NOTICE

Pursuant to Title 28, United States Code, Section 3201, this judgment, upon the filing of this abstract in the manner in which a notice of tax lien would be filed under paragraphs (1) and (2) of 26 U.S.C. §6323(F), creates a lien on all real property of the defendant(s) and has priority over all other liens or encumbrances which are perfected later in time. The lien created by this section is effective, unless satisfied, for a period of 20 years and may be renewed by filing a notice of renewal. If such notice of renewal is filed before the expiration of the 20 year period to prevent the expiration of the lien and the court approves the renewal, the lien shall relate back to the date the judgment is filed.

Names and Addresses of Parties against whom judgments have been obtained	Names of Parties in whose favor judgments have been obtained
<p>McDaniel Holloway, M.D. 18 Sherwood Road Asheville, NC 28803</p> <p>1:97MC10</p>	<p>United States of America</p>

Amount of Judgment	Names of Creditors' Attorneys	When Docketed
<p>\$ <u>265,887.68</u> <u>plus interest</u></p>	<p>United States Attorney's Office Room 207, U.S. Courthouse 100 Otis Street Asheville, NC 28801</p> <p>Attn: Financial Litigation Unit</p>	<p>2/26/97</p>

UNITED STATES OF AMERICA, CLERK'S OFFICE U.S. DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
SS.

I CERTIFY, That the foregoing is a correct Abstract of the Judgment entered or registered by this Court.

Date, Asheville, NC August 15, 19 97
FRANK G. JOHNS, Clerk

By Elizabeth J. Barton, Deputy Clerk

Elizabeth J. Barton