



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

January 12, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jayant Gandhi, M.D.
80 East End Avenue, Apt. 14B
New York, New York 10028

RE: License No. 111281

Dear Dr. Gandhi:

Enclosed please find Order #BPMC 98-8 of 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
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: Jeff Ruggiero, Esq.
Lester, Schwab, Katz and Dwyer
120 Broadway
New York, New York 10271

Loretta Madden, Esq.

**NEW YORK STATE
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT**

DEPARTMENT OF HEALTH

**IN THE MATTER
OF
JAYANT GANDHI, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

BPMC #98-8

STATE OF NEW YORK)
COUNTY OF New York) ss.:

Jayant Gandhi, M.D., being duly sworn, deposes and says:

That on or about January 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 111281 by the New York State Education Department.

My current address is 80 East End Avenue, New York, N.Y., and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with nine specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I agree not to contest the nine specifications in full satisfaction of the charges against me.

I hereby agree to the following penalty:

Two years suspension, twenty-three months stayed, thirty days actual license suspension, with probation pursuant to the terms annexed hereto as exhibit "B". The thirty day period of actual suspension shall commence on January 30th, 1998. After two weeks of active license

suspension, the suspension shall be stayed for two weeks, and then the remainder of the period of active license suspension shall be served.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1997).

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.

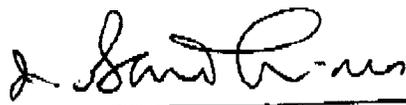
I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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 during the pendency of the professional misconduct disciplinary

proceeding and through a final determination and any administrative or judicial appeal thereof; 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 agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


Jayant Gandhi, M.D.
RESPONDENT

Sworn to before me this

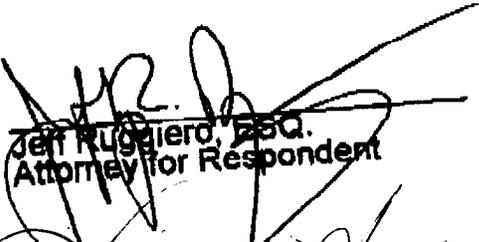
26 day of December, 1997.

NOTARY PUBLIC

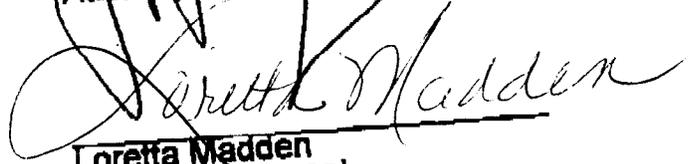
JILL K. GORNLEY
NOTARY PUBLIC, State of New York
No. 02-60600764
Qualified in Queens County
Commission Expires May 20, 1998

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

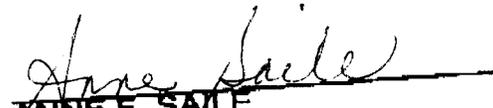
DATE: 12/30/97


Jeff Ruggiero, Esq.
Attorney for Respondent

DATE: 12/30/97


Loretta Madden
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 12/31/97


ANNE F. SAILE
Director
Office of Professional
Medical Conduct
Medical Conduct

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

IN THE MATTER
OF
JAYANT GANDHI, M.D.

CONSENT
ORDER

Upon the proposed agreement of Jayant Gandhi , 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 take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 11/7/98


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

"EXHIBIT A"

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

IN THE MATTER
OF
JAYANT H. GANDHI, M.D.

STATEMENT
OF
CHARGES

JAYANT H. GANDHI, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 25, 1972, by the issuance of license number 11281 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about June 13, 1996, the Respondent submitted to the Better Health Plan, a health maintenance organization, a Physician Provider Application and a copy of what purported to be American Board of Surgery certificate # 18123, whereby:
 1. Respondent knowingly and falsely represented that he had been board certified in general surgery since 1971, when, in fact, he knew that he was not board certified.
 2. Respondent knowingly and falsely represented that the American Board of Surgery issued him certificate #18123, when, in fact, he knew the certificate was a fabrication.
 3. On May 15, 1997, during an interview conducted by Supervising

Investigator T.C. Apurbak Basak on behalf of the Office of Professional Medical Conduct ("OPMC"), the Respondent knowingly and falsely represented that the false information on the application concerning board certification had been inserted by an employee without his authorization, when, in fact, he knew that the explanation he offered was a fabrication.

- B. On or about April 20, 1994, the Respondent submitted a Physician Provider Application to Independent Health, a health maintenance organization, in which Respondent knowingly and falsely represented that he had been board certified in general surgery since 1973, when, in fact, he knew he was not board certified.

SPECIFICATION OF CHARGES

FIRST THROUGH FOURTH SPECIFICATIONS FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1997) by practicing the profession of medicine fraudulently, as alleged in the facts of the following:

1. Paragraphs A and A(1).
2. Paragraphs A and A(2).
3. Paragraphs A and A(3).

4. Paragraph B.

**FIFTH THROUGH NINTH SPECIFICATIONS
FILING A FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1997) by willfully making or filing a false report or by inducing another person to do so, as alleged in the facts of the following:

- 5. Paragraphs A and A(1).
- 6. Paragraphs A and A(2).
- 7. Paragraphs A and A(3).
- 8. Paragraph B.

DATED: November 1997
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 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.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. 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].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent 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 Respondent's return to practice in New York State.
6. Respondent's 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 Respondent and his/her staff at practice locations or OPMC offices.
7. Respondent 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. Respondent shall comply with all terms, and conditions, restrictions,