



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Board for Professional Medical Conduct

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

C. Maynard Guest, M.D.
Executive Secretary

July 14, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Vitaldas J. Shah, M.D.
488 Newark Pompton Turnpike
Pompton Plains, New Jersey 07444

RE: License No. 155785
Effective Date 7/21/94

Dear Dr. Shah:

Enclosed please find Order #BPMC 94-112 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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

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

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

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IN THE MATTER :
OF : ORDER
VITALDAS J. SHAH, M.D. : BPMC 94-112

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Upon the Application of VITALDAS J. SHAH, M.D.
(Respondent) to Surrender his license as a physician in the State
of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions
thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from
the roster of physicians in the State of New York; it is further

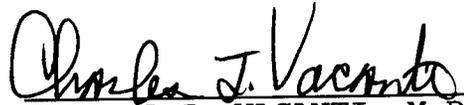
ORDERED, that Respondent shall not apply for the
restoration of Respondent's license until at least one year has
elapsed from the effective date of this order; and it is further

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 via certified mail, whichever is
earliest.

SO ORDERED,

DATED:

8 July 1994



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I admit the factual allegations set forth in paragraph A of the Statement of Charges, and I stipulate that said factual allegations support the specification of professional misconduct as set forth in the Statement of Charges. I deny the factual allegations in the underlying proceeding before the New Jersey State Board of Medical Examiners. The foregoing shall constitute admissions only to the facts that: 1) allegations of professional misconduct were made; 2) that the New Jersey State Board of Medical Examiners temporarily suspended my license; 3) that the factual allegations made in the underlying action before the New Jersey State Board of Medical Examiners, would, if true (which is denied) and if committed in New York, constitute professional misconduct in the State of New York; 4) that the allegations made in paragraph A of the Statement of Charges are therefore true; 5) that the allegations of paragraph A of the Statement of Charges support the specification of misconduct; and 6) that the specification is therefore true.

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

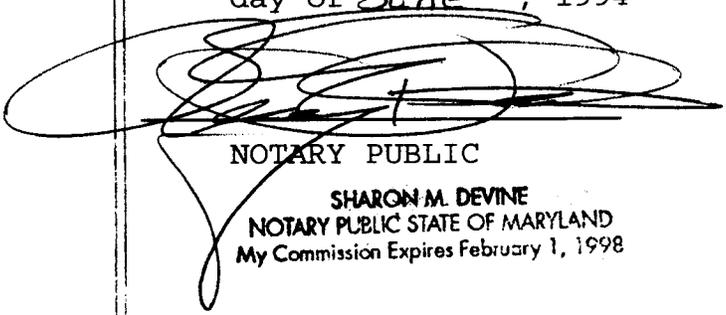
I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that in the event the State Board for Professional Medical Conduct grants my application, an Order shall be issued striking my name from the roster of physicians in the State of New York without further notice 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.

Vitaldas J. Shah 6/31/94
VITALDAS J. SHAH, M.D.
Respondent

Sworn to before me this 3RD
day of June, 1994



NOTARY PUBLIC

SHARON M. DEVINE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 1, 1998

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

IN THE MATTER

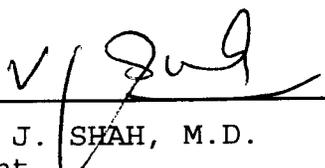
OF

VITALDAS J. SHAH, M.D.

: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the
Respondent to surrender his license.

Date: 6-3-, 1994



VITALDAS J. SHAH, M.D.
Respondent

Date: 5-10, 1994



CHRIS HYDE, ESQ.
Attorney for Respondent

Date: June 13, 1994



RALPH J. BAVARO
Associate Counsel
Bureau of Professional
Medical Conduct

VITALDAS J. SHAH, M.D.

Date: July 12, 1994

Kathleen M. Tanner
KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 8 July 1994

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: VITALDAS J. SHAH, M.D. : PROCEEDING
: :
-----X

TO: VITALDAS J. SHAH, M.D.
1055 Union Valley Road
West Milford, NJ 07480

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 6th day of April, 1994 at 3:00 p.m. o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

Exhibit "A"

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before March 27, 1994 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before March 27, 1994 and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED.
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York

January 11, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Ralph J. Bavaro
Associate Counsel
(212) 613-2601

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

-----X
IN THE MATTER : STATEMENT
OF : OF
VITALDAS J. SHAH, M.D. : CHARGES
-----X

VITALDAS J. SHAH, M.D., the Respondent, was authorized to practice medicine in New York State on September 19, 1983 by the issuance of license number 155785 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATION

- A. By Order of Temporary Suspension issued by the New Jersey State Board of Medical Examiners on September 2, 1993, Respondent's license to practice medicine in the State of New Jersey was temporarily suspended. Said Order continued a prior interim temporary suspension imposed by the Board, effective July 28, 1993. The Board's Order of Temporary Suspension included findings that Respondent posed a clear and imminent threat to public safety based upon his failure to adequately evaluate patients and his inappropriate prescribing of controlled substances.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law Section 6530(9)(d) (McKinney Supp. 1994) in that his license to practice medicine was suspended by a duly authorized professional disciplinary agency of another state, based upon conduct which would, if committed in New York State, constitute professional misconduct under New York State law. Petitioner charges:

The facts contained in paragraph A.

January 11, 1994
DATED: New York, New York



CHRIS STERN HYMAN
COUNSEL
Bureau of Professional Medical
Conduct