



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

July 15, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dhiraj H. Shah, M.D.

REDACTED

RE: License No. 116457

Dear Dr. Shah:

Enclosed please find Order #BPMC 98-136 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **July 15, 1998.**

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,

REDACTED

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

Enclosure

cc: Lawrence Vilardo, Esq.
Connors & Vilardo, LLP
1020 Liberty Building
420 Main Street
Buffalo, New York 14202

Anthony Benigno, Esq.

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

-----X

IN THE MATTER : CONSENT
OF : AGREEMENT
DHIRAJ H. SHAH, M.D. : AND ORDER
:BPMC # 98-136

-----X

STATE OF NEW YORK)
COUNTY OF ERIE)

DHIRAJ H. SHAH, M.D., states:

That on or about June 25, 1973, I was licensed to practice as a physician in the State of New York, having been issued license number 116457 by the New York State Education Department.

My current address is REDACTED

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 two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I agree to not contest the second specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand.

I further agree that the Consent Order for which I hereby apply shall impose a condition that, except during periods of actual suspension, if any, 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, if any, 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).

I agree that in the event that 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; 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 agree that such order shall be effective as of the date of the personal service of this order upon me, upon mailing of this order to me at the address set forth in this agreement or to my attorney by certified mail, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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.

AFFIRMED:

REDACTED

DHIRAJ H. SHAH, M.D.
RESPONDENT

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

DATE: 7-1-98

REDACTED

LAWRENCE J. VILARDO, ESQ.
Attorney for Respondent

DATE: 7/6/98

REDACTED

ANTHONY M. BENTON
ASSISTANT COUNSEL
Bureau of Professional
Medical Conduct

DATE: 7/8/98

REDACTED

ANNE E. SAILE
DIRECTOR
Office of Professional
Medical Conduct

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

-----X
IN THE MATTER :
OF : CONSENT
DHIRAJ H. SHAH, M.D. : ORDER
:
-----X

Upon the proposed agreement of DHIRAJ H. SHAH, 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 as of the date
of the personal service of this order upon Respondent, upon
mailing of this order to Respondent at the address set forth in
this agreement or to Respondent's attorney by certified mail, or
upon transmission via facsimile to Respondent or Respondent's
attorney, whichever is earliest.

SO ORDERED.

DATED: July 11, 1998

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

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

-----X

IN THE MATTER : STATEMENT
OF : OF
DHIRAJ H. SHAH, M.D. : CHARGES

-----X

DHIRAJ H. SHAH, M.D., the Respondent, was authorized to practice medicine in New York State on June 25, 1973 by the issuance of license number 116457 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

A. On or about November 26, 1997, Respondent entered into a Stipulation and Order with the New York State Department of Health, Bureau of Controlled Substances, whereby he admitted that he violated 10 NYCRR § 80.63.

B. More specifically, from approximately April 15, 1991 through June 4, 1996, Respondent issued multiple prescriptions for controlled substances to three patients and did not prepare or maintain a written patient medical record for any of these patients.

C. The Respondent entered into an agreement that he

violated a state regulation, namely 10 NYCRR 80.63, and the violation constituted professional misconduct pursuant to section 6530(32) of the New York State Education Law, failure to maintain an accurate record for each patient reflecting the evaluation and treatment of the patient.

D. From April 15, 1991 through June 4, 1996, the Respondent failed to maintain an accurate record for three patients reflecting the evaluation and treatment of those patients.

FIRST SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(9)(c) by reason of after having been found guilty in an adjudicatory proceeding of violating a state regulation after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to N.Y. Education Law §6530 in that Petitioner charges:

1. The facts in Paragraphs A and/or B and/or C.

SECOND SPECIFICATION

Respondent is charged with professional misconduct under N.Y. Education Law § 6530(32) by reason the Respondent failed to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner

charges:

2. The facts in Paragraphs A and/or B and/or C and/or Paragraph D.

DATED: *July 6*, 1998
Albany, New York

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