



New York State Board for Professional Medical Conduct

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

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NYS Department of Health

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NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 29, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Brij Kumar Mittal, M.D.

Redacted Address

RE: License No. 135464

Dear Dr. Mittal:

Enclosed please find Order #BPMC 01-195 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 29, 2001.

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,

Redacted Signature

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

Enclosure
cc: Robert Bogan, Esq.

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

IN THE MATTER

OF

**BRIJ KUMAR MITTAL, M.D.
CO-00-02-0551-A**

SURRENDER

ORDER

BPMC No. 01-195

BRIJ KUMAR MITTAL, M.D., says:

On or about October 8, 1993, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 135464 by the New York State Education Department. I currently reside at Redacted Address . I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement 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 proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is first.

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

Date: August 9, 2001

Redacted Signature

BRIJ KUMAR MITTAL, M.D.
Respondent

AGREED TO:

Date: August 13, 2001

Redacted Signature

~~STANLEY D. FRIEDMAN, ESQ.~~
Attorney for Respondent
T. LAWRENCE TABAK

Date: 22 August, 2001

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical
Conduct

Date: 8/24, 2001

Redacted Signature

PATRICIA E. WHITMAN
Deputy Director for Operations
Office of Professional Medical
Conduct

"Exhibit A"

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

IN THE MATTER
OF
BRIJ KUMAR MITTAL, M.D.

STATEMENT
OF
CHARGES

BRIJ KUMAR MITTAL, M.D., the Respondent, was authorized to practice medicine in New York state on October 8, 1993, by the issuance of license number 135464 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 17, 2000, in the United States District Court, Eastern District of New York, Respondent was found guilty of one count of Medicare Kickback Conspiracy in violation 42 U.S. C.1320a-7(b)(1) and 48 U.S.C. 371 and three counts of substantive violations of 42 U.S.C. 1320a-7b(b)(1).

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under Federal law, in that Petitioner charges:

1. The facts in paragraphs A.

DATED: *August 17, 2000*
Albany, New York

Redacted Signature

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