

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

IN THE MATTER
OF
SANAGARAM SHIVASWAMY SHANTHARAM, M.D.

CONSENT
ORDER

BPMC No. #08-220

Upon the application of **SANAGARAM SHIVASWAMY SHANTHARAM, M.D.**,
(Respondent), in the attached Consent Agreement and Order, which is made a part of this Consent
Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,
either by mailing of a copy of this Consent Order, either

by first class mail to Respondent at the address in the attached Consent Agreement or
by certified mail to Respondent's attorney, or

upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 11-20-2008

Redacted Signature

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER
OF
SANAGARAM SHIVASWAMY SHANTHARAM, M.D.
CO-07-06-3604-A

CONSENT
AGREEMENT
AND ORDER

SANAGARAM SHIVASWAMY SHANTHARAM, M.D., (Respondent), being duly sworn deposes and says:

That on or about October 2, 1991, I was licensed to practice as a physician in the State of New York, having been issued license number 187161 by the New York State Education Department.

My current address is Artistic Surgical Center, 7065 North Maple Street, Suite 102, Fresno, CA 93720.

I understand that the New York State Board For Professional Medical Conduct has charged me with two (2) Specifications of professional medical misconduct, based solely upon the Medical Board of California, June 8, 2007, Letter of Public Reprimand.

A copy of the Statement of Charges, marked as Exhibit "A," is attached to and part of this Consent Agreement.

The New York State Department of Health has offered to settle this matter by my agreeing to a Censure and Reprimand, a requirement that I must appear before a Committee of the Board for terms and conditions prior to practice in New York, and that I keep my New York State license registration active.

As I have not practiced medicine in New York state in many years and I do not intend to return to practice medicine in New York state, I do not contest Factual Allegations A and B(1) and the Second Specification, in full satisfaction of the charges against me and:

I agree, in lieu of the settlement offered by the State of New York:

to never activate my registration to practice medicine in New York state
or seek to reapply for a license to practice medicine in New York state.

I stipulate, hereby, that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I make, hereby, 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 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, 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:

DATED: 11-10-08

Redacted Signature

SANAGARAM SHIVASWAMY SHANTHARAM, 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: 13 November 2008

Redacted Signature

ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 11/19/08

Redacted Signature

KEITH W. SERVIS
Director
Office of Professional Medical Conduct

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

IN THE MATTER	STATEMENT
OF	OF
SANAGARAM SHIVASWAMY SHANTHARAM, M.D. CO-07-06-3604-A	CHARGES

SANAGARAM SHIVASWAMY SHANTHARAM, M.D., Respondent, was authorized to practice medicine in New York State on October 2, 1991, by the issuance of license number 187161 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 8, 2007, the Medical Board of California (hereinafter "California Board"), by a Letter of Public Reprimand (hereinafter "California Letter"), Publicly Reprimanded Respondent, based on Respondent failing to properly perform surgery and obtain informed consent; during a surgery procedure on July 22, 2001, failing to appropriately align the patient's femur; thereafter, on July 30, 2001, performing a second open reduction and internal fixation on the patient's fracture to correct an inadequate fixation of the first internal fixation and at the completion of the second surgery, the patient's fracture was severely malaligned.

B. The conduct resulting in the California Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York State Education Law §6530(3) (negligence on more than one occasion);
2. New York State Education Law §6530(4) (gross negligence);
3. New York State Education Law §6530(5) (incompetence on more than one occasion); and/or
4. New York State Education Law §6530(6) (gross negligence).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by 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 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.

SECOND SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Oct. 21*, 2008
Albany, New York

Redacted Signature

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