

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

IN THE MATTER

OF

DIPAK K. DESAI, M.D.
CO-08-05-3262-A

**COMMISSIONER'S
SUMMARY
ORDER**

TO: DIPAK K. DESAI, M.D.

Redacted Address

DIPAK K. DESAI, M.D.

Redacted Address

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Nevada, Board of Medical Examiners (hereinafter "Nevada Board"), has made a finding substantially equivalent to a finding that the practice of medicine by **DIPAK K. DESAI, M.D.**, Respondent, New York license number 128359, in that jurisdiction, constitutes an imminent danger to the health of its people, as is more fully set forth in the Temporary Restraining Order and Order Setting Hearing on Motion for Preliminary Injunction, dated April 25, 2008, attached, hereto, as Appendix "A," and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **DIPAK K. DESAI, M.D.** shall not practice medicine in the State of New

York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN VIOLATION OF THIS ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY DEFINED BY NEW YORK EDUCATION LAW §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty (30) days after the final conclusion of the disciplinary proceeding in Nevada.

The hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Referral Proceeding to be provided to Respondent after the final conclusion of the Nevada proceeding. Said written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

RESPONDENT SHALL NOTIFY THE DIRECTOR OF THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT, NEW YORK STATE DEPARTMENT OF HEALTH, 433 RIVER STREET, SUITE 303, TROY, NY 12180-2299, VIA

CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE FINAL
CONCLUSION OF THE PROCEEDING IMMEDIATELY UPON SUCH
CONCLUSION.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR
SUSPENDED AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER
SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-A.
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN
THIS MATTER.

DATE: Albany, New York

2/24/2009

Redacted Signature

RICHARD F. DAINES, M.D.
Commissioner of Health
New York State Department of Health

Inquires should be directed to:

Robert Bogan
Associate Counsel
N.Y.S. Department of Health
Division of Legal Affairs
433 River Street
Suite 303
Troy, New York 12180
Telephone (518) 402-0828

1 **ORDR**

2 CATHERINE CORTEZ MASTO
Attorney General

3 CHRISTINE M. GUERCI-NYHUS
Chief Deputy Attorney General
Nevada Bar No. 8100

4 NANCY D. SAVAGE
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Las Vegas, NV 89101

6 (702) 486-3242
7 (702) 486-0950 (fax)

Attorneys for Plaintiff

FILED

2008 APR 29 P 3:04

Chaf...
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

10 DONALD H. BAEPLER, as
11 Secretary-Treasurer of the NEVADA
STATE BOARD OF MEDICAL EXAMINERS,

12 Plaintiff,

13 vs.

14 DIPAK KANTILAL DESAI, M.D.,

15 Defendant.

Case No.

A 561922

Dept. No.

XX

**TEMPORARY RESTRAINING ORDER
AND ORDER SETTING
HEARING ON MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date:
Hearing Time:

17 PLAINTIFF'S Motion for Temporary Restraining Order having come before the Court,
18 upon Ex Parte Application, the Court having reviewed PLAINTIFF'S Verified Complaint,
19 Application for Temporary Restraining Order and Motion for Preliminary Injunction and
20 supporting exhibits and documentation, being fully advised in the premises, and good cause
21 appearing therefore,

22 IT IS HEREBY FOUND that PLAINTIFF has demonstrated a likelihood of success on
23 the merits;

24 IT IS FURTHER FOUND that imminent and irreparable harm will result should the
25 instant Temporary Restraining Order not immediately issue;

26 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that PLAINTIFF'S Application
27 for a Temporary Restraining Order upon an Ex Parte Application, is granted;

555 E. Washington, Suite 3900
Las Vegas, Nevada 89101



1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that DEFENDANT is hereby

2 restrained, enjoined and prohibited from practicing medicine during the pendency of the
3 disciplinary action against him before the NEVADA STATE BOARD OF MEDICAL
4 EXAMINERS;

5 IT IS FURTHER ORDERED that this Temporary Restraining Order shall be served on
6 the DEFENDANT in conformance with the provisions of NRCP 65(b) by service of a true copy
7 thereof;

8 IT IS FURTHER ORDERED that the parties to this action are to appear in Department
9 XX of the State of Nevada District Court in Clark County on the 8th day of
10 May, 2008, which is a date not more than 15 days from the date of this Order, at
11 8:30 a.m. p.m. for a hearing on Plaintiff's Motion for a Preliminary Injunction.

12 THIS ORDER ISSUED on the 29th day of April, 2008 at the hour of 2:00 a.m./ p.m.

13 DATED: this 28th day of April, 2008.

14 **DAVID T. WALL**

15 _____
16 DISTRICT COURT JUDGE

17 Submitted by:

18 CATHERINE CORTEZ MASTO
19 Attorney General

20 By. Redacted Signature
21 CHRISTINE M. GUERCI-NYHUS
22 Chief Deputy Attorney General
23 Nevada Bar No. 8100
24 NANCY D. SAVAGE
25 Senior Deputy Attorney General
26 Nevada Bar No. 0392
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