



**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

October 21, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Marc S. Nash, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237-0032

Paul Singh, D.O.  
[REDACTED]

Paul Singh, D.O.  
[REDACTED]

**RE: In the Matter of Paul Singh, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 16-348) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure



**JURISDICTION**

As is set forth in Public Health Law 230(1)&(7) and Education Law 6530, the legislature created the State Board for Professional Medical Conduct in the Department of Health and authorized it to conduct disciplinary proceedings in matters of professional medical conduct. In this case, the Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(d).

Pursuant to PHL 230(10)(p), a hearing on circumscribed issues, or "direct referral proceeding," is authorized when a licensee is charged solely with a violation of Ed.L 6530(9). Charges of misconduct under Ed.L 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

**EVIDENCE**

Witnesses for the Petitioner:	None
Petitioner exhibits:	1-6
Witnesses for the Respondent:	None
Respondent exhibits:	None

A transcript of the hearing was made. (Transcript, pages 1- 30.)

**FINDINGS OF FACT**

An opportunity to be heard having been afforded the parties and evidence having been considered, it is hereby found:

1. Respondent Paul Singh, D.O., was authorized to practice medicine in New York State on October 3, 2000 under license number 219428. (Exhibit 5.)
2. On October 31, 2014, the Osteopathic Medical Board of California (hereinafter "California Board") by a Decision and Order which incorporated a Stipulated Settlement and Disciplinary Order dated September 10, 2014, publicly reprimanded Respondent's medical license, directed Respondent to take and complete continuing medical education courses in medical ethics and record keeping, and directed Respondent to reimburse the California Board the sum of \$15,000 for the California Board's investigative and prosecutorial costs. These actions were based upon charges that Respondent inserted non-FDA approved intra-uterine devices (IUDs) into four female patients, in each instance without advising those patients that the IUDs were not FDA approved. (Exhibit 6.)

#### **HEARING COMMITTEE DETERMINATION**

The Petitioner charged that the California Board's findings would establish misconduct in New York pursuant to Ed.L 6530(3) (practicing the profession with negligence on more than one occasion) and 6530(4) (practicing the profession with gross negligence on a particular occasion).

The hearing committee agreed that the Respondent's use of non FDA approved IUD devices in four patients without their knowledge or consent established misconduct in New York pursuant to Ed.L 6530(3), negligence on more than one occasion. The hearing committee disagreed, however, that the conduct charged, although deplorable, constituted gross negligence. The committee accordingly sustained specifications A and B(1), but not B(2) in the statement of charges.

The hearing committee unanimously determined that, as alleged in the statement of charges, the Respondent violated Ed.L 6530(9)(d) which defines professional misconduct, in pertinent part, as:

9. (d) Having his or her license to practice medicine revoked, suspended or having other disciplinary action taken... where the conduct resulting in the revocation, suspension or other disciplinary action... would, if committed in New York state, constitute professional misconduct under the laws of New York state.

The Petitioner recommended a censure and reprimand, \$1,000 fine, and an order that prior to practicing in New York, the Respondent be required to prove fitness to the Board. (Transcript, page 21.)

The hearing committee was particularly concerned about the circumstances and manner in which the Respondent took advantage of and lied to his patients, covering it up with fraudulent documentation. Two members of the hearing committee agreed that the evidence established the Respondent should not possess a license to practice medicine in New York. The third member voted for something short of that, including significant oversight of the Respondent should he ever practice in New York. Although duly served with notice of the hearing in conformity with PHL 230(10)(d) (Exhibits 2, 3, 4), the Respondent failed to appear and failed to offer any evidence or argument to persuade the committee to a different conclusion. The hearing committee accordingly determined that revocation of the Respondent's license pursuant to PHL 230-a(4) is an appropriate penalty.

The hearing committee's vote sustaining the charge of professional misconduct was unanimous. The vote to revoke the Respondent's license was two to one (2-1).

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in New York State is revoked.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York *18 October 2016*

By:

  
Charles J. Vacanti, M.D., Chair

Sanford H. Levy, M.D.  
Georgia K. Millor, Ph.D., R.N.

To: Marc S. Nash, Esq.  
Bureau of Professional Medical Conduct  
Corning Tower, Empire State Plaza  
Albany, New York 12237-0032

Paul Singh, D.O.  


Paul Singh, D.O.  


# APPENDIX I



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

IN THE MATTER  
OF  
PAUL SINGH, D.O.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Paul Singh, D.O.

Paul Singh, D.O.

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on September 14, 2016 at 10:30 a.m., at the offices of the New York State Department of Health, 259 Monroe Ave, Rochester, NY 14607.

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.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. 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, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau




of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

**YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the 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.

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 OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
July 21, 2016

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

**Inquiries should be addressed to:**

**Marc Nash  
Senior Attorney  
Bureau of Professional Medical Conduct  
Corning Tower -- Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282**

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

IN THE MATTER

OF

PAUL SINGH, D.O.

STATEMENT

OF

CHARGES

PAUL SINGH, D.O., the Respondent, was authorized to practice medicine in New York State on or about October 3, 2000, by the issuance of license number 219428 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about October 31, 2014, the Medical Board of California (hereinafter, "California Board") by a Decision and Order which incorporated a Stipulated Settlement and Disciplinary Order Dated September 10, 2014, publicly reprimanded Respondent's medical license, directed Respondent to take and complete continuing medical education courses in medical ethics and record keeping, and directed Respondent to reimburse the California Board the sum of \$15,000 for the California Board's investigative and prosecutorial costs. These actions were based upon findings that Respondent inserted non-FDA approved intra-uterine devices (IUDs) into four female patients, in each instance without advising those patients that the IUDs were not FDA approved.

B. The Conduct resulting in the California Board's 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 Education Law § 6350(3) (Practicing the profession with negligence on more than one occasion); and/or
2. New York Education Law § 6530(4) (Practicing the profession with gross negligence on a particular occasion).

**SPECIFICATION OF CHARGES**

**DISCIPLINARY ACTION IN ANOTHER STATE**

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

The facts in Paragraphs A and B and B1 and/or A and B and B2.

DATE: July 2 / , 2016  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct