



Department of Health

ANDREW M. CUOMO
Governor

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

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

September 21, 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash
Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Room 2512, Corning Tower, ESP
Albany, New York 12237

Kumar Singh, D.O.
Oakland County Jail [REDACTED]
[REDACTED]
P.O. Box 430617
Pontiac, Michigan 48343

RE: In the Matter of Kumar Singh, D.O.

Dear Parties:

Enclosed please find the Determination and Order (No. 18-208) 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.

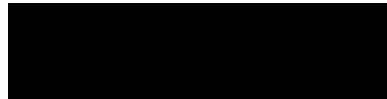
The notice of review served on the Administrative Review Board should be forwarded to:

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,

A solid black rectangular box redacting the signature of James F. Horan.

James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: cmg
Enclosure

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

-----X		
IN THE MATTER	:	DETERMINATION
	:	
OF	:	AND
	:	
KUMAR SINGH, D.O.	:	ORDER
	:	18-208
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A hearing was held on July 18, 2018, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to Public Health Law (PHL) § 230(10)(e), Samuel Bosco, M.D., Chairperson, Peter Kane, M.D., and Janet Axelrod, Esq., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. Tina M. Champion, Administrative Law Judge (ALJ), served as the Administrative Officer.

The Department appeared by Marc S. Nash, Senior Attorney. A Notice of Referral Proceeding and Statement of Charges dated May 15, 2018, were duly served upon Kumar Singh, D.O. (Respondent), who was incarcerated in Michigan and did not appear at the hearing.

The Hearing Committee received and examined documents from the Department (Exhibits 1-6). A stenographic reporter prepared a transcript of the proceeding.

After consideration of the entire record, the Hearing Committee unanimously votes 3-0 to sustain the charges that the Respondent committed professional misconduct in violation of Education Law (Educ. Law) § 6530(9), and that the penalty of revocation of his medical license is appropriate.

BACKGROUND

The Department brought this case pursuant to PHL § 230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Educ. Law § 6530(9). The Respondent is charged with professional misconduct pursuant to Educ. Law § 6530(9)(b) for “[h]aving 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.” The Respondent is also charged with 6530(9)(d) for “[h]aving his...license to practice medicine revoked, suspended or having other disciplinary action taken...where the conduct resulting in the revocation, suspension or other disciplinary action involving the license...would, if committed in New York state, constitute professional misconduct under the laws of New York state.” Pursuant to PHL § 230(10), the Department has the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 “shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice.”

FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. Kumar Singh, D.O., the Respondent, was licensed by the New York State Education Department to practice medicine on May 16, 2008, by the issuance of license number 248687. (Ex. 3.)
2. On June 22, 2017, the Michigan Board of Osteopathic Medicine and Surgery Disciplinary Subcommittee for the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (Michigan Board), issued an Administrative Complaint charging the Respondent with

multiple violations of the Michigan Public Health Code. The charges were based upon a Misdemeanor conviction for Disorderly – All Other Conduct, in the 44th Judicial District Court in Oakland County Michigan, and pending Felony charges consisting of 22 counts involving using the Internet or telecommunications to commit a crime, using computers to commit a crime, ethnic intimidation, making a terroristic threat or false report of terrorism, and malicious use of telecommunications services. (Ex. 6.)

3. On October 10, 2017, an administrative hearing was held by the Michigan Administrative Hearing System (MAHS) on the Michigan Board's charges against the Respondent. The MAHS thereafter issued a Proposal for Decision to the Michigan Board. (Ex. 5.)

4. In the Proposal for Decision, the ALJ for the MAHS made, among other things, the following Findings of Fact:

- A. On July 16, 2016, the Respondent was arrested for negligent discharge of a firearm after Respondent fired two rounds from his AR-15 rifle through his apartment wall and into a neighbor's kitchen;
- B. On September 7, 2016, the Respondent pled guilty to Disorderly – All Other Conduct in the 44th Judicial District Court in Oakland County Michigan;
- C. The Respondent failed to timely notify the Michigan Board of the conviction;
- D. On September 9, 2016, the Respondent sent a series of Facebook messages to an Oakland County Assistant Prosecuting Attorney's sister wherein he "threatened to kill the attorney, the attorney's sister, and the sister's two [minor] children";
- E. On September 11, 2016, the Respondent sent approximately 30 text messages to a criminal defense attorney wherein he "threatened to kill the defense attorney, the Oakland County prosecutor, two assistant prosecutors, a judge, bailiffs, two other defense attorneys, and 'the next cop or lawyer' he saw";
- F. A Detective Sergeant credibly testified that on September 11, 2016, law enforcement authorities searched the Respondent's apartment and found "1,000 rounds of

ammunition, a high capacity drum magazine, a machete, and parts to modify a rifle known as a bump stock, which is used to convert a semi-automatic rifle to operate like a fully automatic rifle"; and

G. The Detective Sergeant searched the Respondent's business and found no medical equipment there despite the Respondent practicing his profession at that location at that time. (Ex. 5.)

5. Also within the Proposal for Decision, the ALJ for the MAHS concluded that the Respondent violated multiple sections of the Michigan Public Health Code and specifically stated violations of that Code based upon conclusions that:

- A. The "Respondent 'suffers from a mental...inability reasonably related to and adversely affecting his ability to practice in a safe and competent manner";
- B. The "Respondent's conduct impairs his ability to practice";
- C. The "Respondent lacks good moral character"; and
- D. The Respondent failed "to notify the department of a criminal conviction." (Ex. 5.)

6. In a Final Order effective February 23, 2018, the Michigan Board recited that it accepted the Findings of Fact and Conclusions of Law in the Proposal for Decision, and it took disciplinary action against the Respondent's Michigan License to practice medicine. The Michigan Board suspended the Respondent's license to practice medicine for three years, ordered that the Respondent must apply for reinstatement of the license, and fined the Respondent \$100,000.00. (Ex. 4.)

VOTE OF THE HEARING COMMITTEE

FIRST AND SECOND SPECIFICATIONS

The Hearing Committee decided, by a vote of 3-0, that the evidence supports sustaining the charges of the Respondent having committed professional misconduct as defined in Educ. Law § 6530(9)(b) and (d).

HEARING COMMITTEE DETERMINATIONS

The Department charged the Respondent with two specifications of professional misconduct pursuant to Educ. Law § 6530(9).

The first specification relates to the Michigan Board's finding that the Respondent was guilty of improper professional practice or professional misconduct. The Department alleges that the conduct upon which that finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York State pursuant to Educ. Law § 6530(7) [practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability] and/or Educ. Law § 6530(20) [conduct in the practice of medicine which evidences moral unfitness to practice medicine]. The Hearing Committee concludes that the conduct upon which the Michigan Board's finding was based would constitute professional misconduct under the laws of New York State as defined in Educ. Law § 6530(7) and (20).

The second specification relates to the Michigan Board taking disciplinary action against the Respondent's medical license. The Department alleges that the conduct resulting in that disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York State pursuant to Educ. Law § 6530(7) [practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability] and/or Educ. Law § 6530(20) [conduct in the practice of medicine which evidences moral unfitness to practice medicine]. The Hearing Committee concludes that the conduct upon which the Michigan Board's finding was based would constitute professional misconduct under the laws of New York State as defined in Educ. Law § 6530(7) and (20).

The Department has recommended that the Respondent's license to practice medicine in New York State be revoked. As of the hearing on July 18, 2018, the Department believed that the Respondent was still in jail with a million-dollar bond awaiting trial on the Felony charges. (Tr. p. 11.) The Hearing Committee is aware of and unmoved by the Michigan Board suspending rather than

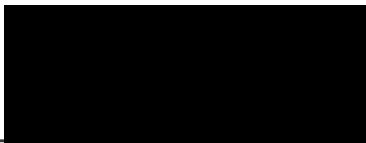
revoking the Respondent's medical license and the Respondent having yet stood trial for the Felony charges. Rather, it is persuaded by the violent, extreme, and disturbing nature of the underlying facts in this matter and, in considering the full spectrum of penalties available under PHL § 230-a, agrees with the Department's recommendation that the Respondent's medical license be revoked.

ORDER

Now, after reviewing the evidence from the hearing, it is hereby ordered that:



1. All specifications of professional misconduct, as set forth in the Statement of Charges, are sustained;
2. The Respondent's license to practice medicine in the State of New York is revoked; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL § 230(10)(h).

Dated: _____, New York
September 17, 2018



Samuel Bosco, M.D., Chairperson
Peter Kane, M.D.
Janet Axelrod, Esq.

Marc S. Nash
Senior Attorney
New York State Department of Health
Bureau of Professional Medical Conduct
Room 2512, Corning Tower, ESP
Albany, New York 12237

Kumar Singh, D.O.
Oakland County Jail 

P.O. Box 430617
Pontiac, Michigan 48343

APPENDIX I

IN THE MATTER
OF
KUMAR SINGH, D.O.

STATEMENT
OF
CHARGES

KUMAR SINGH, D.O., the Respondent, was authorized to practice medicine in New York State on or about May 16, 2008, by the issuance of license number 248687 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or About February 23, 2018, the Michigan Board of Osteopathic Medicine and Surgery (hereinafter "Michigan Board") entered a Final Order and suspended Respondent's license to practice as an osteopathic physician for three years and fined Respondent \$100,000.00. This disciplinary action was based upon findings that Respondent's conduct evidenced that he suffers from a mental or physical inability reasonably related to and adversely affecting his ability to practice in a safe and competent manner and that Respondent evidenced a lack of good moral character. The conduct which led to these findings included Respondent's Facebook messages in which he threatened to kill multiple people.
- B. The conduct resulting in the Michigan 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 Laws:

1. New York Education Law § 6530(7) (Practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability); and/or
2. New York Education Law § 6530(20) (Conduct in the practice of medicine which evidences moral unfitness to practice medicine).

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. 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 (namely N.Y. Educ. Law §§ 6530(7) and (20)) as alleged in the facts of the following:

1. The facts in Paragraphs A and B and B.1 and/or A and B and B.2.

SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his

or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §§ 6530(7) and (20) as alleged in the facts of the following:

2. The facts in Paragraphs A and B and B.1 and/or A and B and B.2.

DATE: May 15, 2018
Albany, New York



MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct