



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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Chairman

Michael A. Gonzalez, R.P.A.
Vice Chair

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

December 21, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Om Prakash, M.D.
8510 Links Road
Buena Park, CA 90621

Re: License No. 099614

Dear Dr. Prakash:

Enclosed please find Order #BPMC 04-298 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 28, 2004.

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 the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

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

Enclosure

cc: Nicolas Velez, Esq.
2010 Williambridge Road
Bronx, NY 10461

IN THE MATTER

CONSENT

OF

ORDER

OM PRAKASH, M.D.

BPMC No. 04-298

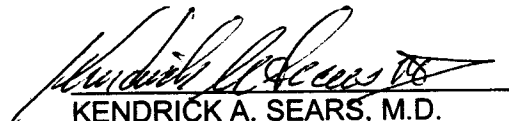
Upon the proposed agreement of **OM PRAKASH, M.D.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this 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 Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 12-16-2004


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
OM PRAKASH, M.D.
CO-04-04-1906-A

CONSENT
AGREEMENT
AND ORDER

OM PRAKASH, M.D., (Respondent) being duly sworn deposes and says:

That on or about August 15, 1967, I was licensed to practice as a physician in the State of New York, having been issued License No. 099614 by the New York State Education Department.

My current address is 8510 Links Road, Buena Park, CA 90621.

I understand that the New York State Board of Professional Medical Conduct has charged me with three (3) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I agree, not to contest Factual Allegations B and D(2) and the Third Specification, in full satisfaction of the charges against me, and agree, hereby, to the following penalty:

I shall 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 further agree that the Consent Order for which I apply, hereby, shall impose the following conditions:

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

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

I agree that in the event that I am charged with professional misconduct in the future, this Agreement and Order shall be admitted into evidence in that proceeding.

I, hereby, make 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: 12-16-04

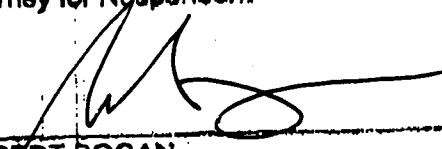

OM PRAKASH, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 12-16-104


NICOLAS VELEZ
Attorney for Respondent

DATE: 16 December 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 16 December 2004


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
OM PRAKASH, M.D.
CO-04-04-1906-A

STATEMENT
OF
CHARGES

OM PRAKASH, M.D., the Respondent, was authorized to practice medicine in New York state on August 15, 1967, by the issuance of license number 099614 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 18, 1994, the Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision (hereinafter "California Decision 1"), revoked Respondent's Physician and Surgeon's Certificate, stayed the revocation and placed him on five (5) years probation with terms and conditions that include, inter alia, a thirty (30) days suspension and that he pay \$1,120.00 costs of investigations and enforcement, based on making false document notes in eight hospitalized patient medical records.

B. On or about March 3, 2004, the California Board, by a Decision (hereinafter "California Decision 2"), revoked Respondent's Physician and Surgeon's Certificate, stayed the revocation, placed him on three (3) years probation with terms and conditions, and ordered \$2,000.00 reimbursement, based on failure to maintain adequate records.

C. The conduct resulting in the California Board disciplinary action against Respondent in California Decision 1, set forth in Paragraph A above, 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 §6530(2) (practicing the profession fraudulently);
2. New York Education Law §6530(20) (moral unfitness);
3. New York Education Law §6530(21) (willfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department); and/or

4. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, provided).

D. The conduct resulting in the California Board disciplinary action against Respondent, set forth in Paragraph B above, 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 §6530(3) (negligence on more than one occasion);
and/or

2. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

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 or 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 B and/or D.

SECOND AND THIRD SPECIFICATIONS

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

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

3. The facts in Paragraphs B and/or D.

DATED: *August 27*, 2004
Albany, New York


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