



***New York State Board for Professional Medical Conduct***

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

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*NYS Department of Health*  
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*NYS Department of Health*

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

*Executive Secretary*

*Office of Professional Medical Conduct*

January 5, 2001

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Rajendra P. Sood, M.D.  
7 Houston Court  
Jamestown, New York 14701

RE: License No. 110061

Dear Dr. Sood:

Enclosed please find Order #BPMC 01-5 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect January 5, 2001.

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 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: Dale C. Robbins, Esq.  
Burgett and Robbins  
15 E. Fifth Street  
P.O. Box 3090  
Jamestown, New York 14702-3090

Valerie B. Donovan, Esq.

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

IN THE MATTER  
OF  
RAJENDRA P. SOOD, M.D.

Consent Agreement and  
Order of License  
Limitation

Surrender of all Clinical  
Privileges

BPMC No. 01-5

Rajendra P. Sood, M.D., (Respondent) says:

That on or about August 17, 1971, I was licensed to practice as a physician in the State of New York, having been issued License No. 11061 by the New York State Education Department.

My current address is 7 Houston Court, Jamestown, New York 14701, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with nine 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 the specifications. I hereby agree to the following penalty:

My license to practice medicine shall be limited, pursuant to §230-a of the Public Health Law, to preclude patient contact and any practice of medicine, clinical or otherwise. I shall be precluded from diagnosing, treating, operating, or prescribing for

any human disease, pain, injury deformity, or physical condition.

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

- That Respondent shall, within 30 days of the issuance of the Order of Conditions, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and
- 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 meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC, and shall, during January of every year, submit to the Director of OPMC signed, notarized written statements setting forth whether or not Respondent has complied during the prior year with all

conditions imposed by the Order of Conditions.

- Respondent shall comply with all conditions set forth in Exhibit "B" ("Guidelines for Closing a Medical Practice") which is attached.

These conditions shall be in effect beginning upon the effective date of the Consent Order and will continue while I possess my 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 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.

DATED 12.29.00


  
RAJENDRA P. SOOD, 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: 12/29/00

  
\_\_\_\_\_  
DALE C. ROBBINS, ESQ.  
Attorney for Respondent

DATE: 1/03/01

  
\_\_\_\_\_  
VALERIE B. DONOVAN  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

DATE: 1/4/01

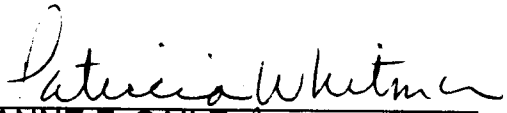
  
\_\_\_\_\_  
ANNE F. SAILE PATRICIA E. WHITMAN  
Deputy Director  
Office of Professional  
Medical Conduct

Exhibit A

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

-----X  
IN THE MATTER : STATEMENT  
OF : OF  
RAJENDRA P. SOOD, M.D. : CHARGES  
-----X

RAJENDRA P. SOOD, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 17, 1971, by the issuance of license number 110061 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent treated Patient A (patients are identified in the attached Appendix A), a female born September 15, 1919, from on or about August 9, 1996 through on or about August 14, 1996, and from on or about September 5, 1997 through September 13, 1997, at the Woman's Christian Association Hospital, 207 Foote Avenue, Jamestown, New York. Respondent's care of Patient A did not meet acceptable standards of care in that:

1. Respondent failed to evaluate and/or treat Patient A's ongoing myocardial ischemia.
2. Respondent failed to appropriately manage Patient A's palpable breast lump.

B. Respondent treated Patient B, a male born September 30, 1914, from on or about November 19, 1996 through on or about January 22, 1997, at the Woman's Christian Association Hospital, 207 Foote Avenue, Jamestown, New York. Respondent's care of Patient B did not meet acceptable standards of care in that:

1. Respondent failed to respond to Patient B's low white blood cell count and platelet count.
2. Respondent failed to perform a rectal examination and/or hemoccult test on Patient B.
3. Respondent failed to adequately evaluate causes of and/or treat Patient B's atrial fibrillation.
4. Respondent failed to adequately treat Patient B for risk of embolism.

C. Respondent treated Patient B on an outpatient basis, from on or about July 2, 1994 through at least April 5, 2000, at his office, 152 Foote Avenue, Jamestown, New York. Respondent's care of Patient B did not meet acceptable standards of care in that Respondent failed to appropriately manage and/or treat Patient B's diabetes and/or abnormal liver enzymes.

D. Respondent treated Patient C, a female born on July 15, 1919, from on or about March 13, 1998 through on or about March 19, 1998, at the Woman's Christian Association Hospital, 207 Foote Avenue, Jamestown, New York. The Respondent's care of Patient C did not meet acceptable standards of care in that:

1. Respondent failed to assess or seek a consultation regarding Patient C's vaginal spotting.
2. Respondent failed to adequately evaluate and/or treat Patient C's cause of syncope.

E. Respondent treated Patient D, a female born July 28, 1912, from on or about June 13, 1997 through on or about November 7, 1997, at the Woman's Christian Association Hospital, 207 Foote Avenue, Jamestown, New York. Respondent's care of Patient D did not meet acceptable standards of care in that:

1. Respondent failed to appropriately manage Patient D's diabetes.



2. Respondent failed to appropriately assess and treat Patient D's abnormal mental state.
3. Respondent failed to appropriately treat Patient D's low B 12 levels.

F. Respondent treated Patient D on an outpatient basis from on or about December 14, 1983 through on or about June 13, 1997, at his office, 152 Foote Avenue, Jamestown, New York. Respondent's care and treatment of Patient D did not meet acceptable standards of care in that Respondent failed to appropriately manage and treat Patient D's stenosis of the distal esophagus and/or obtain a gastrointestinal consultation for endoscopy.

G. Respondent treated Patient E, a female born August 30, 1911, from on or about March 12, 1997 through on or about March 31, 1997, and from on or about April 3, 1997 through on or about May 14, 1997, at the Woman's Christian Association Hospital, 207 Foote Avenue, Jamestown, New York. The Respondent's care of Patient E did not meet acceptable standards of care in that Respondent failed to adequately evaluate and/or treat Patient E for possible transient ischemic attack.

H. Respondent treated Patients C, F, G, H, I, J, K, L, M, N, O, P, Q, R, S and T on or about March 14, 1998 through on or about March 15, 1998, at the Woman's Christian Association Hospital, 207 Foote Avenue, Jamestown, New York. Respondent's care of each of these patients did not meet acceptable standards of care in that Respondent fraudulently and/or with willful falseness documented history, laboratory and/or physical findings for March 14, 1998 for each patient, when he had not seen or examined the patients on that day.

## SPECIFICATIONS OF MISCONDUCT

### FIRST SPECIFICATION

#### PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

The Respondent is charged with practicing the profession with negligence on more than one occasion within the meaning of New York Educ. Law Section 6530 (3) in that Petitioner charges that Respondent committed two or more of the following:

1. The facts in paragraphs A and A.1, A and A.2, B and B.1, B and B.2, B and B.3, B and B.4, C, D and D.1, D and D.2, E and E.1, E and E.2, E and E.3, F, G and/or H.

### SECOND THROUGH EIGHTH SPECIFICATION

#### PRACTICING WITH GROSS NEGLIGENCE

The Respondent is charged with practicing the profession with gross negligence on a particular occasion within the meaning of New York Educ. Law Section 6530(4) in that Petitioner charges:

2. The facts in paragraphs A and A.1 and/or A and A.2.
3. The facts in paragraphs B and B.1, B and B.2, B and B.3 and/or B and B.4.
4. The facts in paragraph C.
5. The facts in paragraphs D and D.1 and/or D and D.2.
6. The facts in paragraphs E and E.1, E and E.2 and/or E and E.3.
7. The facts in paragraph F.
8. The facts in paragraph G.

### NINTH SPECIFICATION

#### PRACTICING FRAUDULENTLY

The Respondent is charged with practicing the profession fraudulently within the meaning of New York Educ. Law Section 6530(2) in that Petitioner charges:

9. The facts in paragraph H.

*January 3, 2006*  
Albany, New York

*Peter D. Van Buren*  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### **GUIDELINES FOR CLOSING A MEDICAL PRACTICE**

1. Respondent shall immediately cease and desist from engaging in the practice of medicine in accordance with the terms of the Order. In addition, Respondent shall refrain from providing an opinion as to professional practice or its application and from representing himself as being eligible to practice medicine.
2. Respondent shall within fifteen (15) days of the Order notify his patients of the cessation of his medical practice and will refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Respondent shall make arrangements for the transfer and maintenance of the medical records of his patients. Within thirty days of the effective date of the Order, Respondent shall notify OPMC of these arrangements including the appropriate and acceptable contact person's name, address, and telephone number who shall have access to these records. Original records shall be retained for at least six years after the last date of service rendered to a patient or, in the case of a minor, for at least six years after the last date of service or three years after the patient reaches the age of majority whichever time period is longer. Records shall be maintained in a safe and secure place which is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information on the record is kept confidential and made available only to authorized persons. When a patient or and/or his or her representative requests a copy of the patient's medical record or requests that the original medical record be forwarded to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of their inability to pay.
4. In the event that Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall within fifteen (15) days advise the DEA in writing of the licensure action and shall surrender his DEA controlled substance privileges to the DEA. Respondent shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 to the DEA.
5. Respondent shall within fifteen (15) days return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall cause all prescription pads bearing his name to be destroyed. If no other licensee is providing services at his practice location, all medications shall be properly disposed.
6. Respondent shall not share, occupy or use office space in which another licensee provides health care services. Respondent shall cause all signs to be removed within fifteen (15) days and stop all advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings by which his eligibility to practice is represented.
7. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered by himself or others while barred from engaging in the practice of medicine. Respondent may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of this Order.
8. If Respondent is a shareholder in any professional service corporation

EXHIBIT "B"

organized to engage in the practice of medicine and if his license is revoked, surrendered or suspended for a term of six months or more under the terms of this Order, Respondent shall divest himself of all financial interest in the professional services corporation in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the effective date of this Order.

9. Failure to comply with the above directives may result in a civil penalty or further criminal penalties as may be authorized pursuant to the law. Under Section 6512 of the Education Law it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when such professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in section 230-a of the Public Health Law, which includes fines of up to \$10,000 for each specification of charges of which the Respondent is found guilty and may include revocation of a suspended license.

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

IN THE MATTER  
OF  
RAJENDRA P. SOOD, M.D.

Consent  
Order of License  
Limitation

Surrender of all Clinical  
Privileges


Upon the proposed agreement of Rajendra P. Sood, M.D. (Respondent) for a Consent Order of License Limitation and Surrender of all Clinical Privileges, which application is made a part hereof, it is agreed to 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: 1/4/01

  
WILLIAM P. DILLON, M.D.  
Chair  
State Board for Professional  
Medical Conduct