



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

March 10, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jagat Subudhi, M.D.
668 Riverdale Avenue
Brooklyn, New York 11207-5852

RE: License No. 110068

Effective Date: 3/17/94

Dear Dr. Subudhi:

Enclosed please find Order #BPMC 94-30 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Director
Board for Professional Medical Conduct

Enclosure

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

-----X

IN THE MATTER :
OF : ORDER
JAGAT SUBUDHI, M.D. : BPMC #94-30

-----X

Upon the application of JAGAT SUBUDHI, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

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

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order by certified mail, whichever is
earliest.

SO ORDERED,

DATED: 1 March 1994

Charles J. Vacanti
Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

I agree not to contest the Ten (10) Specifications of the Statement Charges in full satisfaction of the charges against me.

I hereby agree to the penalty of a one (1) year suspension, stayed; a one (1) year period of probation (the terms of probation are annexed hereto as Exhibit B).

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Jagat Subudhi

JAGAT SUBUDHI, M.D.
RESPONDENT

Sworn to before me this
10th day of February, 1964.

Walter Marcus

NOTARY PUBLIC

WALTER R. MARCUS
Notary Public, State of New York
No. 24-4658211

Nassau County
expires 5/31/65

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
JAGAT SUBUDHI, M.D. : CONSENT
: ORDER
-----X

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

Date: 2/10/94

Jagat Subudhi
JAGAT SUBUDHI, M.D.
RESPONDENT

Date: 2/10/94

Walter Marcus
WALTER MARCUS, ESQ.
ATTORNEY FOR RESPONDENT

Date: 2/17/94

Claudia Morales Bloch
CLAUDIA MORALES BLOCH
ASSOCIATE COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date:

March 8, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date:

1 March 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

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

-----X
IN THE MATTER : STATEMENT
OF : OF
JAGAT SUBUDHI, M.D. : CHARGES
-----X

JAGAT SUBUDHI, M.D., the Respondent, was authorized to practice medicine in New York State on August 17, 1971 by the issuance of license number 110068 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period from January 1, 1993 through December 31, 1994 at 668 Riverdale Avenue, Brooklyn, NY 11207-5852.

FACTUAL ALLEGATIONS

- A. Between on or about December 8, 1987 through and on or about March 8, 1991, Respondent treated Patient A at Respondent's office, the location of which is unknown to Petitioner, on approximately 41 occasions. (Patient A and all other patients are identified in the attached Appendix.)
1. On each occasion, Respondent failed to:

- a. Obtain and note an adequate history.
 - b. Perform and note an adequate physical examination.
2. Respondent inappropriately prescribed:
- a. Xanax on 1 occasion.
 - b. Tylenol #2 on 1 occasion.
 - c. Robitussin on 2 occasions.
 - d. Valium on 4 occasions.
 - e. Actifed on 3 occasions.
 - f. Darvocet on 13 occasions.
3. Respondent inappropriately ordered:
- a. Hepatitis antibody profiles on or about December 8, 1987; July 25, 1989; September 18, 1989; October 31, 1989 and January 9, 1990.

b. Serum B-12, iron and folate on or about February 18, 1988; June 1, 1989; July 25, 1989; October 31, 1989; October 30, 1990; and January 12, 1991.

4. Respondent failed to adequately follow-up on and evaluate Patient A's abnormal eosinophile count and liver disease.

B. Between on or about June 7, 1984 and July 13, 1990, Respondent treated Patient B at Respondent's office on approximately 32 occasions.

1. Respondent failed to:

a. Obtain and note an adequate history.

b. Perform and note an adequate physical examination.

2. Respondent inappropriately prescribed:

a. Xanax on 16 occasions.

b. Motrin on 14 occasions.

- c. Allopurinol on 5 occasions.
 - d. Naprosyn on 2 occasions.
 - e. Minocin on 1 occasion.
 - f. Hydrochlorothiazide (Hct2) on 10 occasions.
 - g. Zestril on 3 occasions.
 - h. Ampicillin on 2 occasions.
 - i. Lasix on 1 occasion.
 - j. K-Tabs on 7 occasions.
 - k. FeSo on 3 occasions.
3. Respondent failed to adequately follow-up on Patient B's:
- a. Noted complaints and/or diagnoses of:
 - i. Anemia and treatment with iron.

- ii. Shortness of Breath
 - b. Abnormal test results including:
 - i. High uric acid
 - ii. Elevated ESR
 - 4. Respondent failed to obtain and follow-up on reports from a chest x-ray and joint x-rays.
- C. Between on or about November 19, 1985 and on or about June 2, 1990, Respondent treated Patient C at Respondent's office on approximately 9 occasions.
- 1. Respondent failed to:
 - a. Obtain and note an adequate history.
 - b. Perform and note an adequate physical examination.
 - 2. Respondent failed to appropriately and adequately follow up on and treat Patient C's:
 - a. Anemia and the data suggesting anemia.

- b. Complaint of epigastric pain.
- c. Laboratory results including:
 - i. Positive sickle cell preparation.
 - ii. Vitamin B12 levels.
 - iii. Serum folate.
- 3. Respondent failed to refer Patient C for consultation to a hematologist.
- D. Between on or about November 2, 1978 and on or about March 1, 1991, Respondent treated Patient D at Respondent's office on approximately 13 occasions.
 - 1. Respondent failed to:
 - a. Obtain and note an adequate history.
 - b. Perform and note an adequate physical examination.
 - 2. Respondent inappropriately prescribed:

- a. Darvocet on 1 occasion.
 - b. Zantac on 2 occasions.
 - c. Gaviscon on 1 occasion.
 - d. Diabinese on 2 occasions.
 - e. Hydrochlorothiazide on 4 occasions.
 - f. DiaBeta on 3 occasions.
 - g. Tenoretic on 1 occasion.
3. Respondent inappropriately ordered an IVP on or about April 21, 1986.
4. Respondent failed to appropriately and adequately manage and follow-up on Patient D's:
- a. Positive sickle cell preparation.
 - b. Abnormal serum amylase.
 - c. Liver disease.

E. Between on or about March 11, 1986 and or about March 2, 1991, Respondent treated Patient E at Respondent's office on approximately 57 occasions.

1. Respondent failed to:

- a. Obtain and note an adequate history.
- b. Perform and note an adequate physical examination.

2. Respondent inappropriately prescribed:

- a. Micronase on 9 occasions.
- b. Diabinese on 2 occasions.
- c. FeSo on 7 occasions.
- d. Lasix on 13 occasions.
- e. NPH Insulin on 20 occasions.
- f. K-Tabs on 4 occasions.

3. Respondent inappropriately ordered:

- a. Repeated renal profile studies.
 - b. Repeated urine analysis.
 - c. Repeated lipid profiles.
 - d. Repeated iron studies.
4. Respondent failed to adequately follow-up on and evaluate Patient E's:
- a. Edema.
 - b. Hypertension.
 - c. Hyperlipidemia.
 - d. Diabetes.
 - e. Renal insufficiency.
 - f. Metabolic acidosis.
5. Respondent failed to hospitalize Patient E when the results of fasting blood sugar tests

indicated the patient was in danger of developing ketoacidosis.

6. Respondent failed to refer Patient E for consultation with regard to the patient's uncontrolled diabetes and renal insufficiency.

SPECIFICATIONS OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law Section 6530(3) (McKinney Supp. 1993) by practicing the profession with negligence on more than one occasion in that Petitioner charges two or more of the following:

1. The facts in paragraphs A(1)(a), (A)(1)(b), A(2)(a) through A(2)(f), (A)(3)(a), A(3)(b), A(4), B(1)(a), B(1)(b), B(2)(a) through B(2)(1), B(3)(a)(i), B(3)(a)(ii), B(3)(b)(i), B(3)(b)(ii), B(4), C(1)(a), C(1)(b), C(2)(a), C(2)(b), C(2)(c)(i), C(2)(c)(ii), C(2)(c)(iii), C(3), D(1)(a), D(1)(b), D(2)(a) through D(2)(g), D(3), D(4)(a), D(4)(b), D(4)(c),

E(1)(a), E(1)(b), E(2)(a) through E(2)(f),
E(3)(a) through E(3)(d), E(4)(a) through
E(4)(f), E(5), and/or E(6).

SECOND THROUGH FIFTH SPECIFICATIONS

UNNECESSARY TESTS AND/OR TREATMENT

Respondent is charged with committing professional misconduct within the meaning of N.Y. Educ. Law Section 6530(35) (McKinney Supp. 1993) by ordering excessive tests and/or treatment not warranted by the condition of the patient in that Petitioner charges:

2. The facts in paragraphs A(2)(a) through A(2)(f) and A(3)(a) and A(3)(b).
3. The facts in paragraphs B(2)(a) through B(2)(l) and B(3)(a)(i), B(3)(a)(ii), B(3)(b)(i) and B(3)(b)(ii).
4. The facts in paragraphs D(2)(a) through D(2)(g) and D(3).
5. The facts in paragraphs E(2)(a) through D(2)(f) and E(3)(a) through E(3)(d).

SIXTH THROUGH TENTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct within the meaning of NY Educ. Law Section 6530(32) (McKinney Supp. 1993) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient in that Petitioner charges:

6. The facts in paragraphs A(1)(a) and A(1)(b).
7. The facts in paragraphs B(1)(a) and B(1)(b).
8. The facts in paragraphs C(1)(a) and C(1)(b).
9. The facts in paragraphs D(1)(a) and D(1)(b).
10. The facts in paragraphs E(1)(a) and E(1)(b).

DATED: New York, New York

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. JAGAT SUBUDHI, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. During the period of probation, Respondent shall meet quarterly with a medical coordinator from the Office of Professional Medical Conduct for a review of Respondent's

medical records. The time and place of said meeting shall be set by the Director of the Office of Professional Medical Conduct. At each meeting, Respondent shall submit to the medical coordinator current patient records which reflect his care and treatment of said patients. A failure to comply with a request for records and/or a failure to appear for a scheduled meeting shall constitute a violation of the terms of probation.

7. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).
8. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.