



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.
Commissioner

Public

October 24, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Prasad Chalasani, M.D.
299 Oakley Court
Mill Neck, New York 11765

Ariel Amino, Esq.
Law Offices of Ariel Aminov
107-06 71st Road, Suite 2
Forest Hills, New York 11375

Mark L. Furman, Esq.
Hoffman, Polland & Furman, PLLC
220 East 42nd Street – Suite 435
New York, New York 10017

Denise Lepicier, Esq.
NYS Department of Health
90 Church Street – 4th Floor
New York, New York 10007

RE: In the Matter of Prasad Chalasani, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 07-233) 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
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

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. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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.

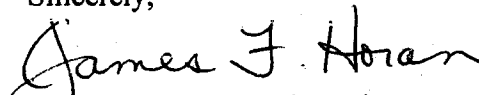
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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, Acting Director
Bureau of Adjudication

JFH:cah

Enclosure

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

**IN THE MATTER
OF
PRASAD CHALASANI, M.D.**

DETERMINATION

AND

ORDER

BPMC #07-233

COPY

A Notice of Violation Proceeding, Letter of Violation of Probation and Consent Order and Agreement were served upon the Respondent **PRASAD CHALASANI M.D.** Chairperson **LINDA D. LEWIS M.D., MARVIN L. HARTSTEIN M.D.,** and **LINDA PRESCOTT WILSON** duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Administrative Law Judge **KIMBERLY A. O'BRIEN ESQ.** served as the Administrative Officer.

The Department of Health appeared by **THOMAS CONWAY ESQ.,** General Counsel, by **DENISE LEPICIER ESQ.,** of Counsel. The Respondent **PRASAD CHALASANI M.D.** appeared in person and by Counsel **MARK L. FURMAN ESQ.** and **ARIEL AMINOV ESQ.**

Evidence was received and argument heard, and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

NOTICE OF VIOLATION OF PROBATION PROCEEDING April 16, 2007

Pre Hearing Conference	May 11, 2007
Hearing Dates	May 24, 2007, June 20, 2007, July 18, 2007
Deliberations Date	September 12, 2007
Witnesses for Petitioner	Kimberly Haley Case Manager Physician Monitoring Program OPMC, Michelle Shields Director Medical Staff Office Nassau University Medical Center
Witnesses for Respondent	Prasad Chalasani M.D., Nathan Reed M.D. Director Physician Monitoring Program OPMC
Final Hearing Transcript Received	August 1, 2007

STATEMENT OF THE CASE

The State Board of Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York pursuant to Section 230 et seq. of the Public Health Law of New York. This case was brought by the New York State Department of Health, Office of Professional Medical Conduct (hereinafter "Petitioner" or "Department") pursuant to Section 230 of the Public Health Law. Prasad Chalasani, M.D. (hereinafter "Respondent") is charged with violating the terms or conditions of a Consent Agreement and Order (hereinafter Consent Order) pursuant to Public Health Law Section 230 (19). The violations are specifically set forth in the Letter of Violation Proceeding dated March 22, 2007, as amended on May 15, 2007 when Petitioner withdrew Violation 4 and on June 20, 2007 when Violation 6 was added (Ex. 1&1A). The Notice of Violation Proceeding, Letter of Violation Proceeding, and Consent Agreement and Order are attached to and made part of this Decision and Order, and marked as Appendix 1.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter.

Unless otherwise noted, all findings and conclusions set forth below are the unanimous determinations of the Hearing Committee. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. Numbers below in parentheses refer to exhibits (denoted by the prefix "Ex.") or transcript page numbers ("Tr."). These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding.

Having heard argument and considered the documentary evidence presented, the Hearing Committee hereby makes the following finding of fact:

1. Prasad Chalasani M.D., the Respondent, was authorized to practice medicine in New York State on January 25, 1972, by the issuance of license number 111694 by the New York State Education Department (Ex. 2).
2. On or about November 2003, with benefit of Counsel the Respondent voluntarily entered into a Consent Order and Agreement with the Department and agreed to adhere to the Consent Order and Agreement including the terms of probation set forth in "Exhibit B." The Department reviewed the terms of the Consent Order and Agreement with the Respondent and he was responsible to comply with the terms of the Consent Order (See Ex. 1, 22, Tr. pp. 15-16, 159-160, 302-10).
3. On April 20, 2006 the Respondent was served with a letter notifying him that he was being investigated for violating the terms of his probation and offering him an opportunity to schedule an interview (Ex. 8).
4. On March 22, 2007 the Respondent was served with a Violation of Probation Letter notifying the Respondent that he violated the terms of his probation (Ex.1). The Violation of

Probation Letter was amended on May 15, 2007 when Violation 4 was withdrawn, and again on June 20, 2007 when Violation 6 was added (Ex. 1 & 1A).

5. The Respondent was served with a Notice of Violation of Probation Proceeding dated April 16, 2007 notifying the Respondent of a hearing regarding the Violation of Probation (Ex.1).

6. The Respondent failed to respond in a timely manner to OPMC requests for written verification of his compliance with the Consent Order, in violation of the first paragraph on page 3 of the Order, and the fourth term of Terms of Probation (See Ex. 1, 4, 6 - 9, 13-15, 18-19).

7. The Respondent failed to keep OPMC apprised of all employment and practice locations in a timely and current manner in violation of the third term of the Terms of Probation (See Ex. 1, 7, 8, 9, 24 & 25, Tr. pp. 358-365).

8. The Respondent failed to maintain excess medical malpractice coverage with limits of no less than two million dollars per occurrence and six million dollars per policy year throughout the probationary period, in violation of term 9(d) of the Terms of Probation and Section 230 (18)(b) of the Public Health Law (Ex. 1, 7, Tr. pp. 372-373, 382-383).

9. The Respondent failed to have a practice monitor at all locations where he practiced in violation of term 9 of the Terms of Probation (See Ex. 1, 7, 9, Tr. pp. 358-365, 411-412).

10. On or about November 15, 2005, the Respondent willfully provided a false report within a reappointment application for the Nassau Health Care Corporation for Medical Staff

Appointment when he answered "No" to the question "Voluntarily or involuntarily: Have any of the following ever been, or are currently in the process of being denied, revoked, suspended, or relinquished, withdrawn, reduced, limited, placed on probation, not renewed, or currently pending/under investigation? A) Medical license or registration in any state?" in violation of Section 6530 (21) of the New York State Education Law (Ex. 1A & 26, Tr. pp. 396-400, 518).

CONCLUSIONS OF LAW

At the outset of the hearing, each member of the Hearing Committee was provided with a copy of the un redacted Consent Agreement which includes the full Statement of Charges and Terms of Probation. Before the deliberations began the Administrative Officer instructed the Hearing Committee that the Respondent did not contest committing negligence on more than one occasion. The ten remaining specifications of misconduct as set forth in the Statement of Charges were not proven. However, the unproven specifications relating to Respondent's alleged failure to provide accurate information could be considered to determine whether the charges constituted "heightened" notice to the Respondent that providing false information constituted misconduct.

Both Respondent and Petitioner were provided with the opportunity to supplement the explanations and definitions of professional misconduct as set forth in Section 6530 of the New York State Education Law and the General Counsel's memorandum outlining the definitions of misconduct (hereinafter "Greenberg Memorandum"). The Respondent provided a memorandum supplementing the definition of fraud and prior to the deliberations each member of the Hearing Committee was provided with a copy of the Respondent's Memorandum (ALJ Ex. 3). The Administrative Officer instructed the Hearing Committee that in order to make a finding that the Respondent perpetrated a fraud in reference to Violation 6 (Ex. 1A) they must first find that the Respondent knowingly provided false information on his reappointment application, and they also must both find and articulate the basis for drawing the inference that the Respondent intended to mislead and perpetrate a fraud (See ALJ Ex. 3, Ex. 1A & Greenberg Memorandum).

DISCUSSION AND CONCLUSIONS

The Respondent with benefit of Counsel voluntarily entered into a Consent Agreement and Order with the Department and did not contest committing negligence on more than one occasion, and he agreed to follow and adhere to the Consent Order including the terms of probation set forth in "Exhibit B." The Hearing Committee concluded that the Respondent was responsible for understanding and adhering to the terms of the Consent Order and violated the terms of the Order as set forth in the Findings of Fact.

The Hearing Committee believes that the Respondent did not fully accept or appreciate his responsibility to adhere to the terms of the Consent Order.¹ The Respondent's own testimony and writings reflect his ongoing failure to accept the terms of probation and how his lack of acceptance led him to repeatedly violate the terms of the Consent Order

The Respondent testified about how hard it was for him to be on probation and meet the agreed terms including maintaining excess medical malpractice coverage throughout the probationary period. In November 2005, during Respondent's probation, he attempted to obtain excess medical malpractice coverage by seeking reappointment to Nassau University Hospital. The Respondent filled out his reappointment application for the Nassau Health Care Corporation for Medical Staff Appointment and answered "No" to a question about whether he was on probation (Ex. 1A & 26). During the hearing, the Respondent did not testify that he mistakenly checked "No" on the application. On the contrary, the Respondent testified that before answering "No" to the question he weighed the consequences of answering "Yes" to the question. The Hearing Committee determined that the Respondent willfully made a false report

¹ While the Hearing Committee determined that the Respondent violated the terms of his probation as set forth in the Violation of Probation Letter (See Ex. 1 & 1A), the Hearing Committee rejects the Department's characterization of the Respondent as a "slippery character." The Hearing Committee does not believe the probation violations were the result of calculated attempts by the Respondent to deceive the Department.

about his probationary status. However, because the Respondent answered “Yes” to other questions within the same application about having license restrictions, the Hearing Committee determined that there was no intent to commit fraud. The Hearing Committee determined that the conflicting answers contained within the same application were further evidence of the Respondent’s failure to accept his probationary status.

Throughout the three-year probationary period, the Respondent was required and failed to: provide timely and full descriptions of his practice and practice locations, have all practice locations monitored, and maintain and produce proof of excess medical malpractice insurance. In one writing, the Respondent states that he started Hartford Medical PC “a few months ago” and his practice “consists exclusively of ‘Trigger point’ injections,” so he decided that he did not need to have his practice monitor review this work “So I did not notify him” (Ex. 7). Not only did the Respondent make his own independent assessment of where and when his practice should be monitored he notified the Department “a few months” after he made this decision. The Respondent was repeatedly asked to produce proof of his excess medical malpractice insurance, and in this same writing he indicates he will produce it sometime in the future.

The Hearing Committee has determined that the Petitioner has proven by a preponderance of evidence that the Respondent has violated the terms of his Consent Order and is guilty of the violations of probation set forth in the Violation of Probation Letter (Ex.1 &1A).

DETERMINATION AS TO PENALTY

The Hearing Committee upon finding that the Respondent failed to comply with the agreed upon terms of his probation must determine what penalty is appropriate. The Hearing Committee believes that the Respondent has not accepted responsibility for his misconduct

committing negligence on more than one occasion or to adhere to the agreed upon terms of probation.

The Hearing Committee has determined that because Respondent is guilty of multiple and varied probation violations, and does not appreciate his responsibility to cooperate with and be responsive to the Office of Professional Medical Conduct it would be untenable to again place the Respondent on probation. After due and careful consideration of the penalties available pursuant to Public Health Law Section 230-a, the Hearing Committee has determined that the Respondent's license to practice medicine should be suspended for a period of one year from the effective date of this Determination and Order.

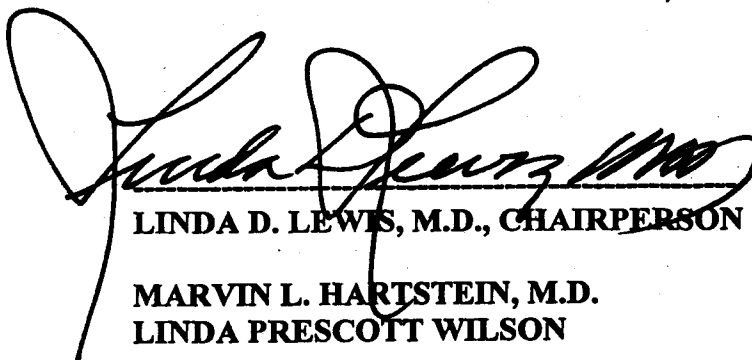
ORDER

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The violations of probation: 1, 2,3,5 & 6, set forth in the Notice of Violation Proceeding (Ex. 1 &1A) are **SUSTAINED**;
2. The Respondent's license to practice medicine in the State of New York is hereby **SUSPENDED** for a period of one year from the effective date of this order;
3. This **ORDER** shall be effective upon service on the Respondent pursuant to Public Health Law Section 230(10)(h).

**DATED: Troy, New York
2007**

October 19, 2007



LINDA D. LEWIS, M.D., CHAIRPERSON
MARVIN L. HARTSTEIN, M.D.
LINDA PRESCOTT WILSON

To: Prasad Chalasani, M.D.
299 Oakley Court
Mill Neck, NY 11765

Ariel Aminov, Esq.
Law Offices of Ariel Aminov
107-06 71st Road, Suite 2
Forest Hills, NY 11375

Mark L. Furman, Esq.
Hoffman Polland & Furman, PLLC
220 East 42nd Street – Suite 435
New York, NY 10017

Denise Lepicier, Esq.
Associate Counsel
Bureau of Professional Medical Conduct
90 Church Street- 4th Fl.
New York, NY 10007

APPENDIX I

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

IN THE MATTER
OF
PRASAD CHALASANI, M.D.

NOTICE
OF
VIOLATION OF
PROBATION
PROCEEDING

TO: PRASAD CHALASANI, M.D.
299 Oakley Court
Mill Neck, New York 11765

PLEASE TAKE NOTICE:

In response to your request for a hearing pursuant to the provisions of New York Public Health Law §230(19), a Violation of Probation Proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230 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 on May 24, 2007, at 10:00 a.m., at the Offices of the New York State Department of Health, 4th floor, 90 Church Street, New York, New York 10007, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the dispute of any facts forming the basis of the alleged violation of probation set forth in the attached letter. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of

Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230, you may file an Answer not less than ten days prior to the date of the hearing. If you wish to raise an affirmative defense, however, N.Y. Admin. Code tit. 10, §51.5(c) requires that an answer be filed, but allows the filing of such an answer until three days prior to the date of the hearing. Any answer shall be forwarded to the attorney for the Department of Health whose name appears below. 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken, based, inter alia, upon any violation found and upon the misconduct resulting in the imposition of the terms of probation. 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: New York, New York
April 16, 2007



Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be directed to: Denise Lepicier
Associate Counsel
Bureau of Professional
Medical Conduct
90 Church Street, 4th floor
New York, New York 10007



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

March 22, 2007

Certified Mail No. 7006 2150 0004 7289 9622
Delivery Confirmation Priority Mail No. 0306 2400 0001 5168 0374

Prasad Chalasani, M.D.
299 Oakley Court
Mill Neck, New York 11765

RE: VIOLATION OF PROBATION
BPMC Order No. 03-319

Dear Dr. Chalasani:

After an investigation pursuant to Section 230(19) of the Public Health Law, as the Director of the Office of Professional Medical Conduct of the New York State Department of Health, I have determined that you have violated the terms of probation imposed upon you by Consent Order Number 03-319 (hereinafter the "Order"), attached and marked as "Appendix A," effective on or about December 1, 2003. My determination that you have violated the terms of your probation is based on the following:

1. You failed to respond in a timely manner to OPMC requests for written verification of your compliance with the Order, in violation of the first paragraph on page 3 of the Order, and the fourth term in the Terms of Probation;
2. You failed to keep the OPMC apprised of all employment and practice and practice locations in a timely and current manner in violation of term 3 of the Terms of Probation;
3. You failed to maintain excess medical malpractice coverage with limits of no less than \$2 million per occurrence and \$6 million per policy year, in violation of term 9(d) of the Terms of Probation, and Section 230(18)(b) of the Public Health Law;
4. You failed to complete the appropriate number of hours of continuing medical education in the area of peripheral-vascular surgery in violation of term 10(b) of the Terms of Probation;
5. You failed to have a practice monitor at all locations where you practiced, in violation of term 9 of the Terms of Probation.

Handwritten note:] Ks: WITHDRAWN 5/15/07

Case Department EX 1A 703
DATE 6-20-07
ACCU-SOURCE REPORTING INC MSB

6/20/07
148

Kro 6/20/07 amend

AMENDMENT TO THE VIOLATION OF PROBATION
LETTER DATED MARCH 22, 2007

Voluntarily or involuntarily:

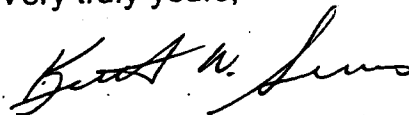
6. You filled in a reappointment application for the Nassau Health Care Corporation for Medical Staff Appointment on or about November 15, 2005. You were asked, "Have any of the following ever been, or are currently in the process of being, denied, revoked, suspended, or relinquished, withdrawn, reduced, limited, placed on probation, not renewed, or currently pending/under investigation? a) Medical license or registration in any state?" You marked the space for "No," in violation of term one in the Terms of Probation.

This letter initiates a violation of probation proceeding against you pursuant to New York Public Health Law Section 230(19). Please take notice that if you do not dispute the facts forming the basis of my determination within 20 days of the date of this letter, I shall submit this matter to a committee on professional conduct for its review and determination.

If you do dispute the facts forming the basis of my determination in writing within 20 days of the date of this letter, you shall be afforded a hearing before a committee on professional conduct and you may be represented by counsel.

Since this violation of probation proceeding may result in a determination that your license to practice medicine in New York be revoked, I urge you to consult with an attorney.

Very truly yours,



Keith W. Servis
Director
Office of Professional Medical Conduct

Encl.

cc: Ariel Aminov, Esq.
107-06 71st Road, Suite 2
Forest Hills, N.Y. 11375

Appendix A

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.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

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

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

PUBLIC

November 24, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Pradsad Chalasani, M.D.
299 Oakley Court
Mill Neck, NY 11765

RE: License No. 111694

Dear Dr. Chalasani:

Enclosed please find Order #BPMC 03-319 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 1, 2003.

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 or receipt of the 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

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is written in a cursive style with a large initial "A".

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

Board for Professional Medical Conduct

cc: Anthony Scher, Esq.
Wood and Scher
The Harwood Building
Scarsdale, NY 10583

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

IN THE MATTER
OF
PRADSAD CHALASANI, M.D.

CONSENT
ORDER

BPMC No. 03-319

Upon the application of (Respondent) Prasad Chalasani, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

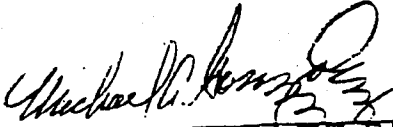
ORDERED, that this Order shall be effective upon issuance by the Board,

either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 11/21/03


MICHAEL A. GONZALEZ, R.P.A.
Vice Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
PRASAD CHALASANI, M.D.

CONSENT
AGREEMENT
AND
ORDER

PRASAD CHALASANI, M.D., representing that all of the following statements are true, deposes and says:

That on or about January 25, 1972 I was licensed to practice as a physician in the State of New York, and issued License No. 111694 by the New York State Education Department.

My current address is 299 Oakley Court, Mill Neck, NY 11765, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I agree to not contest the allegations of the First Specification, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to §230-a(2) of the Public Health Law, my license to practice medicine in the State of New York shall be suspended for a period of thirty-six months, all thirty-six months of said suspension to be stayed.

Pursuant to §230-a(9) of the Public Health Law, I shall be placed on probation for a period of thirty-six months, subject to

the terms set forth in attached Exhibit "B."

I shall be subject to a fine in the amount of \$2500.00, pursuant to §230-a(7) and (9) of the Public Health Law, to be paid in full within 30 days of the effective date of this order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of

matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

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

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent

Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

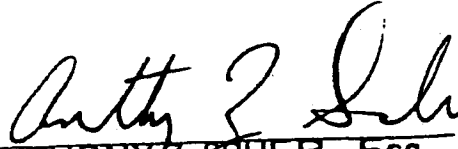
I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 11/14/03



PRASAD CHALASANI, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 11/14/03


ANTHONY Z. SOHER, Esq.
Attorney for Respondent

DATE: 11/17/03


JEAN BRESLER,
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 11/20/03


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
PRASAD CHALASANI, M.D.

STATEMENT
OF
CHARGES

PRASAD CHALASANI, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 25, 1972, by the issuance of license number 111694 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent rendered care and treatment to Patient A at North Shore University Hospital (NSUH) in Forest Hills New York from on or about August 16, 2000 to August 22, 2000. The patient was admitted with fever and pain at the site of an infected left A/V graft. On August 18, 2000, Respondent suture ligated the infected, bleeding left arm A/V graft. On August 20, 2000, Respondent operated on Patient A placing a right subclavian catheter. Post operatively it was apparent that the catheter placed by the Respondent was not properly situated. On August 21, 2000, an interventional radiologist placed a new right jugular vein catheter and removed the catheter that had been inserted by the Respondent. The patient died on August 22, 2000. Respondent's care and treatment of patient A deviated from acceptable medical standards in that:
1. Respondent failed to excise a bleeding and potentially infected prosthetic graft..
 2. Respondent failed to confirm that the dialysis catheter was properly inserted into the subclavian vein.

3. Upon becoming aware that the dialysis catheter was not properly placed Respondent unreasonably delayed in addressing the problem.
4. Respondent failed to adequately monitor the patient and/or follow the patient's progress or note that he did so.
5. Respondent failed to make an appropriate operative note.

B. Patient B went to the Emergency Department of NSUH, Forest Hills on July 28, 2000 with a diagnosis of progressive chronic renal failure. On July 29, Respondent placed a right subclavian vein catheter for hemodialysis. A retained guide wire was apparent in post operative X-Rays. On July 31, 2000 Respondent created an A/V fisual in the left forearm. On August 1, 2000 Patient B was discharged with the guide wire still in the patient's right heart. On August 3, 2000, Patient B was admitted with fever of 104, and positive blood cultures. Respondent was notified that the patient had been readmitted on or about August 4 but never saw the patient. On August 5, 2000, the catheter which had been placed by the Respondent with the wire was removed by another physician. The patient expired on August 5. Respondent's care and treatment of patient B deviated from acceptable medical standards in that:

1. Respondent failed to identify the retained guide wire apparent on the X-Ray of July 29, 2000.
2. Respondent failed to document the placement of the left internal jugular catheter .
3. Respondent failed to complete sufficient progress notes.
4. Respondent failed to appropriately monitor the patient on his

first admission and or his second admission to NSUH, Forest Hills.

5. Respondent inserted a progress note dated July 30, 2000 when in fact the note was not created on the date and or time indicated by the Respondent. Respondent knew the representation was false and intended to mislead.

C. On June 22, 2001, Respondent filled a reappointment application for privileges with Beth Israel Medical Center. Respondent falsely answered "no" to the question: "Have any of the following ever been or are they in the process of being investigated, denied, revoked, suspended, reduced, limited, placed on probation, not renewed, or voluntarily relinquished? Clinical privileges or other prerogatives/rights at any other hospital or nursing home" On or about August 23, 2000, NSUH at Forest Hills had suspended his privileges. Respondent had exhausted the hospitals due process procedure on April 9, 2001. Respondent knew that the statement made to Beth Israel Medical Center was false.

1. Respondent intended to mislead.

D. On or about December 24, 2001 Respondent filed a physician profile statement, as required by §2995-a of the Public Health Law, with the New York State Department of Health. Respondent falsely answered no to question #14 which asks "Within the past 10 years, has there been any loss or involuntary restriction of your hospital privileges or removal of your medical staff membership related to the quality of patient care you delivered and where procedural due process has been afforded, exhausted

or waived? " Respondent's answer to this question was false and/or materially inaccurate in that on or about August 23, 2000, NSUH at Forest Hills had suspended his privileges. Respondent had exhausted the hospitals due process procedure on April 9, 2001. Respondent knew that the statement made to the New York State Department of Health was false and/or materially inaccurate.

1. Respondent intended to mislead.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following:

1. Paragraph A and any of its subparagraphs, Paragraph B and any of its subparagraphs.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following:

2. Paragraph A and any of its subparagraphs, Paragraph B and any of its subparagraphs.

THIRD AND FOURTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of:

3. Paragraph A and A4, and or 5,
4. Paragraph B and B2,3 and/or 5.

FIFTH THROUGH SEVENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

5. Paragraph B and B5.
6. Paragraph C and C1.
7. Paragraph D and D1.

EIGHTH AND NINTH SPECIFICATIONS

FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully 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, as alleged in the facts of:

8. Paragraph C.

9. Paragraph D.

TENTH SPECIFICATION
VIOLATION OF § TWENTY-EIGHT HUNDRED FIVE-K OF THE PUBLIC
HEALTH LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(14) by violating of section twenty-eight hundred five-k of the Public Health Law, as alleged in the facts of:

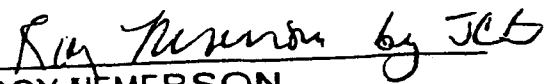
10. Paragraph C

ELEVENTH SPECIFICATION
PROVIDING MATERIALLY INACCURATE PROFILING INFORMATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530 and Public Health Law §2995-a(7), by knowingly providing materially inaccurate information under Public Health Law §2995-a as alleged in the facts of:

11. Paragraph D

DATED: August 27, 2003
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by New York State Education Law §6530 or §6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York State Public Health Law §230(19).
2. Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees.
3. Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 12180-2299 with the following information, in writing, and ensure that such information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
4. Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
5. Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but 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].
6. The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of thirty (30) consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty (30) day period. Respondent shall then notify the Director again at least fourteen (14) days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period will resume and Respondent shall fulfill any unfulfilled probation terms.
7. The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records and/or hospital charts; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. Respondent shall maintain complete and legible medical records that

accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.

PRACTICE MONITOR

9. Within thirty days of the effective date of the order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC. Should for any reason said practice monitor needs to be replaced Respondent shall have thirty days to obtain a practice monitor pursuant to the terms of this agreement.
- a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit Respondent's medical practice at each and every location, on a random unannounced basis at least monthly and shall examine a selection (no fewer than 20) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation of accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
 - b. Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
 - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
 - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of this Order.
10. Respondent shall:
- a. Complete an approved CME course in Medical Record Keeping within six months of effective date of Order;
 - b. Complete a minimum of 40 hours of CME for each year of probation in the area of peripheral -vascular surgery. This continuing education program must be proposed in writing by the Respondent and is subject to the Director of OPMC's prior written approval.
11. Respondent shall comply with this Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or

any other such proceeding authorized by law, against **Respondent**.