



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

September 2, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Sarup Sharma, M.D.
178-01 90th Avenue
Jamaica, New York 11432

RE: License No. 113007

Dear Dr. Sharma:

Enclosed please find Order #BPMC 98-201 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **September 2, 1998**.

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
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: Michael Kelton, Esq.
Lippman, Krasnow & Kelton, LLP
711 Third Avenue
New York, New York 10017

Marcia Kaplan, Esq.

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

IN THE MATTER
OF
SARUP SHARMA, M.D.

SURRENDER
OF
LICENSE

BPMC #98-201

STATE OF NEW YORK)
COUNTY OF) ss.:

SARUP SHARMA, M.D., being duly sworn, deposes and says:

In or about July, 1972, , I was licensed to practice medicine as a physician in the State of New York having been issued License No. 113007 by the New York State Education Department.

My current address is 178-01 90th Avenue, Jamaica, New York 11432, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with thirtreen specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the First Specification in full satisfaction of the Statement of Charges.

I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 8/13/98



SARUP SHARMA, M.D.
RESPONDENT

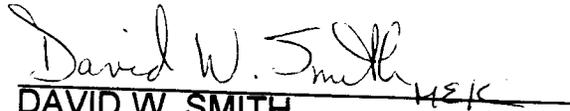
The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 8/17/98



MICHAEL KELTON, Esq.
Attorney for Respondent

Date: 8/20/98



DAVID W. SMITH
Associate Counsel
Bureau of Professional
Medical Conduct

Date: 8/24/98



ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
SARUP SHARMA, M.D.

SURRENDER
ORDER

Upon the proposed agreement of SARUP SHARMA, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; 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 Surrender 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: 8/26/98

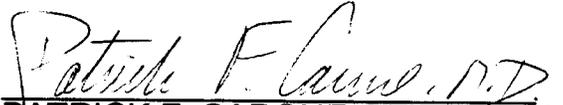

PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

Exhibit "A"

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

IN THE MATTER
OF
SARUP SHARMA, M.D.

STATEMENT
OF
CHARGES

SARUP SHARMA, M.D., the Respondent, was authorized to practice medicine in New York State in or about July, 1972, by the issuance of license number 113007 by the New York State Education Department. Thereafter, in July, 1986, the New York State Board of Regents suspended his license to practice medicine for a period of five (5) years and stayed such suspension. The Regents imposed this sanction on the basis of a December, 1981, finding by the Commissioner of Health that Respondent violated Article 33 of the Public Health Law, suspending his right to use official New York State Prescription forms and imposing a civil penalty of \$10,000.00.

FACTUAL ALLEGATIONS

- A. Between in or about May, 1990 and August, 1993, Respondent treated Patient A for back pain and other medical conditions at his office at 178-01 90th Avenue, Jamaica, New York ("Office").
1. Throughout the period Respondent failed to obtain an adequate medical history or note such history, if any.
 2. Throughout the period Respondent failed to perform an adequate physical examination or note such examination, if any.

3. **Despite the fact that Respondent knew that Patient A was an addict, Respondent inappropriately prescribed for Percocet Patient A.**
 - a. **Respondent prescribed such drug for other than a proper medical purpose.**
 4. **Respondent failed to note in the patient record the quantities of Percocet he prescribed to Patient A.**
- B. Between in or about May, 1991 and May, 1992, Respondent treated Patient B for renal calculus disease and other medical conditions at his Office.**
1. **Throughout the period Respondent failed to obtain an adequate medical history or note such history, if any.**
 2. **Throughout the period Respondent failed to perform an adequate physical examination or note such examination, if any.**
 3. **Despite the fact that Respondent knew that Patient B was an addict, he inappropriately prescribed Dilaudid for Patient B.**
 - a. **Respondent prescribed such drug for other than a proper medical purpose.**
 4. **Respondent failed to note in the patient record either the quantities of Dilaudid he prescribed for Patient B or the directions**

for use.

- C. **Between in or about January, 1992 and November, 1993, Respondent treated Patient C for back pain and other medical conditions at his Office.**
1. **Throughout the period Respondent failed to obtain an adequate medical history or note such history, if any.**
 2. **Throughout the period Respondent failed to perform an adequate physical examination or note such examination, if any.**
 3. **Despite the fact that Respondent knew that Patient C was addicted to drugs, Respondent inappropriately prescribed Dilaudid and Xanax for Patient C.**
 - a. **Respondent prescribed such drugs for other than a proper medical purpose.**
- D. **Between in or about June, 1992 and June, 1993, Respondent treated Patient D for back pain and other medical conditions at his Office.**
1. **Throughout the period Respondent failed to obtain an adequate medical history or note such history, if any.**
 2. **Throughout the period Respondent failed to perform an adequate physical examination or note such examination, if any.**

3. Respondent inappropriately prescribed Dilaudid for Patient D.
 - a. Respondent prescribed such drug for other than a proper medical purpose.
 4. Respondent failed to note in the patient record the quantities of Dilaudid he prescribed for Patient D.
- E. Between in or about September, 1992 and July, 1993, Respondent treated Patient E for pain and other medical conditions at his Office.
1. Throughout the period Respondent failed to obtain an adequate medical history or note such history, if any.
 2. Throughout the period Respondent failed to perform an adequate physical examination or note such examination, if any.
 3. Despite the fact that Respondent knew Patient E to be a drug addict, he inappropriately prescribed Dilaudid for Patient E.
 - a. Respondent prescribed such drug for other than a proper medical purpose.
 4. Respondent failed to note in the patient record the quantities of Dilaudid he prescribed for Patient E.

F. In April, 1996, after hearing at which Respondent was represented by Counsel, Respondent was found guilty by the Commissioner of Health of 137 instances violating Article 33 of the N.Y. Public Health Law and 10 NYCRR 80.62(b) thereunder. He was assessed a \$10,000.00 fine and his use of triplicates was suspended for one (1) year.

SPECIFICATION

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 1998) 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. Paragraphs A and A1-4; B and B1-4; C and C1-3; D and D1-4; and/or E and E1-4.

SECOND SPECIFICATION

INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 1998) 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. Paragraphs A and A1-4; B and B1-4; C and C1-3; D and D1-4; and/or E and E1-4.

THIRD THROUGH SEVENTH SPECIFICATIONS

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1998) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. Paragraphs A and A1-4 and 3a.
4. Paragraphs B and B1-4 and 3a.
5. Paragraphs C and C1-3 and 3a.
6. Paragraphs D and D1-4 and 3a.
7. Paragraphs E and E1-4 and 3a.

EIGHTH THROUGH TWELFTH SPECIFICATIONS

FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 1998) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of such patient as alleged in the facts of:

8. Paragraphs A and A1-2, 4.
9. Paragraphs B and B1-2, 4.
10. Paragraphs C and C1-2.
11. Paragraphs D and D1-2, 4.
12. Paragraphs E and E1-2, 4.

THIRTEENTH SPECIFICATION
HAVING BEEN FOUND IN VIOLATION OF
ARTICLE 33 OF THE PUBLIC HEALTH LAW

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(e)(McKinney Supp. 1998) by having been found by the commissioner of health to be in violation of article thirty-three of the public health law as alleged in the facts of the following:

13. Paragraph F.

DATED: May 27, 1998
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct