



STATE OF NEW YORK
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

February 10, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Terrence Sheehan, Esq.
NYS Dept. of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Sudar S. Singla, M.D.
60 Hanson Lane
New Rochelle, New York 10804

RE: In the Matter of Sudar S. Singla, M.D.

Dear Mr. Sheehan and Dr. Singla :

Enclosed please find the Determination and Order (No. 94-238) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

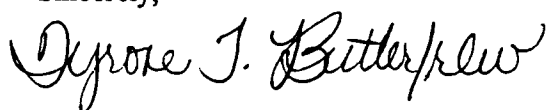
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Corning Tower, Room 438
Albany, New York 12237

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.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive, flowing style.

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:

Enclosure

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

IN THE MATTER

OF

SUDAR S. SINGLA, M.D.

**ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
ARB NO. 94-238**

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, SUMNER SHAPIRO, EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**¹ held deliberations on January 13, 1995 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) November 9, 1994 Determination finding Dr. Sudar S. Singla (Respondent) guilty of professional misconduct. The Respondent requested the Review through a Notice which the Board received on November 25, 1994. James F. Horan served as Administrative Officer to the Review Board. The Respondent filed a brief on his own behalf on December 21, 1994. Both the Respondent and the Petitioner submitted papers to the Review Board following the January 13, 1994 Deliberations in this case. The Board did not consider these submissions.

SCOPE OF REVIEW

New York Public Health Law (PHL) §230(10)(i), §230-c(1) and §230-c(4)(b) provide that the Review Board shall review:

¹Drs. Stewart and Sinnott participated in the deliberations through a telephone conference. Dr. Price did not participate in the deliberations.

- whether or not a hearing committee determination and penalty are consistent with the hearing committee's findings of fact and conclusions of law; and
- whether or not the penalty is appropriate and within the scope of penalties permitted by PHL §230-a.

Public Health Law §230-c(4)(b) permits the Review Board to remand a case to the Hearing Committee for further consideration.

Public Health Law §230-c(4)(c) provides that the Review Board's Determinations shall be based upon a majority concurrence of the Review Board.

HEARING COMMITTEE DETERMINATION

The Petitioner brought this case pursuant to Public Health Law Section 230(10)(p) and Education Law Section 6530(9)(a)(i), which provide an expedited hearing in cases in which professional misconduct charges against a Respondent are based upon a prior criminal conviction in New York or another jurisdiction or upon a prior administrative adjudication which would amount to misconduct if committed in New York State. The expedited hearing determines the nature and severity of the penalty which the Hearing Committee will impose based upon the criminal conviction or prior administrative adjudication.

The Hearing Committee in this case found that the Petitioner had met its burden of proof in establishing that the Respondent had committed professional misconduct by committing an act which constitutes a crime under New York State Law. The Committee found that the Respondent entered a guilty plea in Kings County Supreme Court, to offering a false instrument for filing in the Second Degree, a Class A misdemeanor. The Court sentenced the Respondent to a conditional discharge.

As part of his plea, the Respondent admitted in Court that he had signed forms indicating that he had read echocardiograms, when he had not read the echocardiograms, and that the Respondent knew that those forms would be submitted for payment from the Medicaid Program. The Respondent signed the forms while he was employed by MM Management Corporation.

The Committee voted to suspend the Respondent's license to practice medicine for one year and to impose a civil penalty of Ten Thousand (\$10,000) Dollars.

REQUESTS FOR REVIEW

The Respondent submitted letters on November 28, 1994 and a brief on December 21, 1994 in which he seeks to repudiate his plea bargain agreement and in which he requests the issuance of subpoenas for witnesses and for a copy of a polygraph examination which the Respondent asserts will demonstrate his innocence.

The Respondent argues that he had agreed to the plea bargain agreement only on advice of his attorney and the Respondent now seeks to repudiate the plea bargain following the suspension of his license.

The Respondent asserts that he was not paid for nor did he receive any kickbacks for reading the echocardiograms and he asserts that he did not know it was illegal to sign echocardiograms that another physician had interpreted.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below and the briefs which counsel have submitted.

The Review Board votes to sustain the Hearing Committee's Determination finding the Respondent guilty of professional misconduct in New York State. The Determination was consistent with the Committee's finding that the Respondent was convicted in Kings County Supreme Court for offering a false instrument. The conviction of a crime in New York State constitutes professional misconduct.

The Review Board denies the Respondent's apparent request to remand for a new hearing. We assume the Respondent wants a new hearing, because he requested that the Review Board issue subpoenas and he submitted evidence to the Board which was not part of the record from the hearing. The only purpose of a new hearing would be an attempt by the Respondent to repudiate his plea bargain agreement. Neither the Hearing Committee nor the Review Board can reopen the Respondent's criminal conviction. The Respondent admitted under oath in New York Supreme Court

that he had submitted false billings under his name to the Medicaid Program. The question in this proceeding is not the Respondent's guilt for the false billings to the Medicaid Program, but rather the penalty for the Respondent's professional misconduct.

The Review Board votes 4-0 to overturn that portion of the Hearing Committee's penalty suspending the Respondent's license for one year.

The Respondent admitted to submitting billings to the Medicaid Program, under his signature, for Seven Hundred Sixty-One Thousand Eight-Hundred and Twenty-nine (\$761,829) Dollars for echocardiograms which the Respondent did not interpret. A suspension and fine is not an adequate or appropriate penalty for intentionally defrauding the Medicaid System. At the hearing, the Respondent showed no remorse for his crime, but rather stated that he was not properly reimbursed by Medicaid (Hearing Transcript page 63). The Respondent also testified that he had made statements under oath in Supreme Court "to get me off the hook" (Hearing Transcript page 65).

The Respondent violated the public trust in the medical profession and used his medical license to defraud the Medicaid Program. The appropriate penalty in this case is to revoke the Respondent's license to practice medicine in New York State.

The Review Board sustains that portion of the Hearing Committee's Penalty that imposed a civil penalty on the Respondent. A civil penalty is appropriate due to the Respondent's intentional misconduct and because the misconduct involved fraud.

ORDER

NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Review Board **sustains** the Hearing Committee on Professional Medical Conduct's November 9, 1994 Determination finding Dr. Sudar S. Singla guilty of professional misconduct.
2. The Review Board **overturns** that portion of the Hearing Committee's Determination suspending the Respondent's license.
3. The Review Board **sustains** that portion of the Hearing Committee's Determination imposing a civil penalty of Ten Thousand (\$10,000) Dollars.
4. The Review Board votes 4-0 to **revoke** the Respondent's license to practice medicine in New York State.

ROBERT M. BRIBER

SUMNER SHAPIRO

EDWARD SINNOTT, M.D.

WILLIAM A. STEWART, M.D.

IN THE MATTER OF SUDAR S. SINGLA, M.D.

ROBERT M. BRIBER, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Singla.

DATED: Albany, New York

June 27, 1995



ROBERT M. BRIBER

IN THE MATTER OF SUDAR S. SINGLA, M.D.

SUMNER SHAPIRO, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Singla.

DATED: Delmar, New York

FEB. 8, 1995

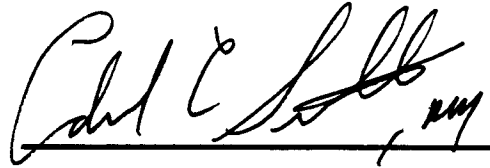

SUMNER SHAPIRO

IN THE MATTER OF SUDAR S. SINGLA, M.D.

EDWARD C. SINNOTT, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Singla.

DATED: Roslyn, New York

January 19, 1995

A handwritten signature in cursive script, appearing to read "Edward C. Sinnott", written over a horizontal line. To the right of the signature, there is a small handwritten mark that looks like "2/19".

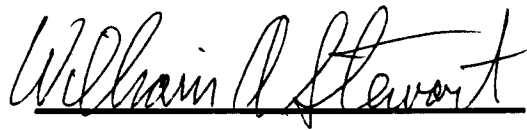
EDWARD C. SINNOTT, M.D.

IN THE MATTER OF SUDAR S. SINGLA, M.D.

WILLIAM A. STEWART, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Singla.

DATED: Syracuse, New York

19 Jan., 1995

A handwritten signature in cursive script that reads "William A. Stewart". The signature is written in black ink and is positioned above a solid horizontal line.

WILLIAM A. STEWART, M.D.