



STATE OF NEW YORK DEPARTMENT OF HEALTH

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

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

Paula Wilson
Executive Deputy Commissioner

November 9, 1994

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OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Terrence Sheehan, Esq.
NYS Department of Health
Metropolitan Regional Office
5 Penn Plaza - Sixth Floor
New York, NY 10001

David W. Windley, Esq.
224 Atlantic Avenue
Brooklyn, NY 11201

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

Dear Mr. Sheehan and Mr. Windley:

Enclosed please find the Determination and Order (No. 94-238) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
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.

As prescribed by the New York State Public health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he 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 all action 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.

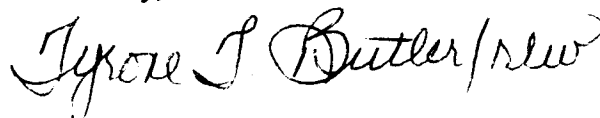
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler /rlw".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:rlw

Enclosure

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

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

**DETERMINATION
AND
ORDER**

BPMC-94-238

A Notice of Referral Proceedings and Statement of Charges, both dated September 8, 1994 were served upon the Respondent, Sudar S. Singla, M.D.

Mr. Anthony Santiago, Chairman, Albert Accettola, M.D. and Thakor Rana, M.D. duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health law, MICHAEL P. McDERMOTT, ESQ., Administrative Law Judge, served as the Administrative Officer. A hearing was held on October 4, 1994. The Department of Health appeared by Peter J. Millock, Esq., General Counsel, by Terrence Sheehan, Esq., Associate Counsel, of counsel. The Respondent appeared in person and was represented by David W. Windley, Esq., 224 Atlantic Ave., Brooklyn, New York 11201.

Evidence was received and transcripts of these proceedings were made.

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

STATEMENT OF CASE

This case was brought pursuant to Public Health law Section 230(10)(p). The statute

provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Sudarshan K. Singla, M.D. the Respondent, was authorized to practice medicine in New York State on December 16, 1977, by the issuance of license number 1433310 by the New York State Education Department (Pet's Ex. 1, 6)

2. On or about February 5, 1993, the Respondent pled guilty in Kings County Supreme Court to the crime of offering a false instrument for filing in the Second degree, a Class A misdemeanor (Pet's Ex. 5).

3. On or about February 5, 1993, the Respondent was sentenced on his plea of guilty to a conditional discharge (Pet's Ex. 5).

DETERMINATION OF THE HEARING COMMITTEE

SPECIFICATION

The Respondent is charged with professional misconduct within the meaning of N.Y. Education Law Section 6530(9)(a)(i) (McKinney Supp. 1994), in that he was convicted of committing an act constituting a crime under New York State Law:

SUSTAINED (3-0)

After a review of the entire record in this case, the Hearing Committee unanimously (3-) determines that the Respondent's license to practice in the State of New York should be suspended for a period of one (1) year and that a fine in the amount of Ten thousand (\$10,000.00) dollars should be assessed against him.

ORDER

IT IS HEREBY ORDERED THAT:

The Respondent's license to practice medicine in the State of New York is SUSPENDED for a period of one (1) year.

2. A Fine in the amount of Ten Thousand (\$10,000.00) Dollars is assessed against the Respondent.

Payment of the fine shall be made within thirty (30) days of the effective date of this ORDER to the New York State Department of Health, Bureau of Accounts Management, Revenue and Cash Unit, Corning Tower Building, Room 1245, Empire State plaza, Albany, New York, 12237.

3. This ORDER shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED:

Anthony Santiago 10/25/94
ANTHONY SANTIAGO, Chairman

**ALBERT ACCETTOLA, M.D.
THAKOR RANA, M.D.**

MAIL PAYMENT TO

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

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; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32).

TO: David W. Windley, Esq.
224 Atlantic Avenue
Brooklyn, New York 11201

Terrence Sheehan, Esq.
NYS Department of Health
Metropolitan Regional Office
5 Penn Plaza - Sixth Floor
New York, New York 10001

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OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

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

-----X
: IN THE MATTER : NOTICE OF
: OF : REFERRAL
: SUDARSHAN S. SINGLA, M.D. : PROCEEDING
: :
-----X

TO: SUDARSHAN S. SINGLA, M.D.
60 Hanson Lane
New Rochelle, NY 10804

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 4th day of October, 1994 at 10:00 o'clock in the forenoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before *Sept. 28*, 1994.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before _____, 1994, and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 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.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York

September 8, 1994



CHRIS STERN HYMAN
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Terrence Sheehan
Associate Counsel
212-613-2610

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

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IN THE MATTER : STATEMENT
OF : OF
SUDARSHAN K. SINGLA, M.D. : CHARGES

-----X

SUDARSHAN K. SINGLA, M.D., the Respondent, was authorized to practice medicine in New York State on 1977 by the issuance of license number 133310 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 January 1, 1993 through December 31, 1994 at 60 Hanson Lane, New Rochelle, New York 10804.

SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Section 6530(9)(a)(i) (McKinney Supp. 1994), in that she was convicted of committing an act constituting a crime under New York State Law. Specifically, Petitioner charges:

On or about February 5, 1993, Respondent pled guilty in Kings County Supreme Court to the crime of offering a false instrument for filing

in the Second degree. Respondent was employed as a physician at the Midwood Medical Clinic in Brooklyn, N.Y. Between 1989 and 1990 Respondent participated with the owner of the Midwood Medical Clinic in a scheme to fraudulently bill the New York State Medicaid Program for unnecessary or never performed tests and other medical services.

During 1990 alone, Respondent allowed the clinic to bill Medicaid for \$761,000 under Respondent's Medicaid provider number. Respondent routinely allowed the clinic to bill Medicaid under Respondent's provider number for echocardiogram readings which Respondent had not in fact performed.

On or about February 5, 1993 Respondent was sentenced on his plea of guilty to a conditional discharge. Respondent also agreed to make restitution.

DATED: New York, New York

9/22/99

Chris Stern Hyman

CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct