



New York State Board for Professional Medical Conduct

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

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Office of Professional Medical Conduct

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Vice Chair

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

October 5, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Pankajlal S. Shah, M.D.
55 Scott Street
Hornell, New York 14843

RE: License No. 145174

Dear Dr. Shah:

Enclosed please find Order #BPMC 00-275 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect October 5, 2000.

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 to 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: Richard S. Tubiolo, Esq.
Hirsch and Tubiolo, P.C.
1000 Reynolds Arcade Building
16 East Main Street
Rochester, New York 14614-1796

Valarie B. Donovan, Esq.

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

IN THE MATTER
OF
PANKAJLAL S. SHAH, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC No. 00-275

PANKAJLAL S. SHAH, M.D., (Respondent) states:

That on or about February 13, 1981, I was licensed to practice as a physician in the State of New York, having been issued License No. 145174 by the New York State Education Department.

My current business address is 411 Canisteo Street, Hornell, New York 14843 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

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

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the five specifications. I hereby agree to the following penalty:

1. A Censure and Reprimand.
2. I will enroll in and complete course-work in the area of medical record-keeping. Said continuing education program shall be subject to the prior written approval of the Director of OPMC and be completed within the period of a year from the effective date of this Order.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 2000).

I agree that in the event I am charged with professional misconduct in the

future, this agreement and order shall be admitted into evidence in that proceeding.

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 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 Consent 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 Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 9-7-00

Shah P. S.
PANKAJLAL S. SHAH, M.D.
Respondent

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

DATE: 9-8-06

Richard A. Tubiolo
RICHARD S. TUBIOLO, ESQ.
Attorney for Respondent

DATE: 9/27/00

Valerie B. Donovan
VALERIE B. DONOVAN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 9/29/00

Anne F. Saile
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
PANKAJLAL S. SHAH, M.D.

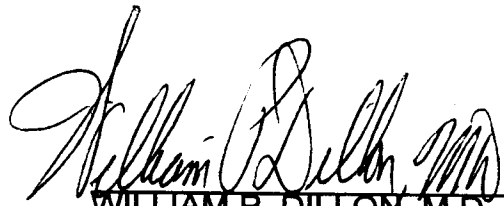
CONSENT
ORDER

Upon the proposed agreement of PANKAJLAL S. SHAH, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 Consent 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: 10/2/00



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER : STATEMENT
OF : OF
PANKAJLAL SHAH, M.D. : CHARGES

PANKAJLAL SHAH, M.D., the Respondent, was authorized to practice medicine in New York State on February 13, 1981, by the issuance of license number 145174 by the New York State Education Department. Respondent is currently registered with the New York State Education Department to practice medicine.

FACTUAL ALLEGATIONS

- A. Respondent treated Patient A (patients are identified in Appendix A) on or about October 30, 1998, at the Emergency Department of the St. James Mercy Hospital, 411 Canisteo Street, Hornell, New York.
1. Respondent failed to maintain a record which adequately reflects the care, treatment and evaluation of Patient A.
- B. Respondent treated Patient B on or about June 19, 1998, at the Emergency Department of the St. James Mercy Hospital, 411 Canisteo Street, Hornell, New York.
1. Respondent failed to maintain a record which adequately reflects the care, treatment and evaluation of Patient B.

- C. Respondent treated Patient C on or about April 26, 1998, at the Emergency Department of the St. James Mercy Hospital, 411 Canisteo Street, Hornell, New York.
1. Respondent failed to maintain a record which adequately reflects the care, treatment and evaluation of Patient C.
- D. Respondent treated Patient D on or about May 28, 1998, at the Emergency Department of the St. James Mercy Hospital, 411 Canisteo Street, Hornell, New York.
1. Respondent failed to maintain a record which adequately reflects the care, treatment and evaluation of Patient D.
- E. Respondent treated Patient E on or about September 30, 1998, at the Emergency Department of the St. James Mercy Hospital, 411 Canisteo Street, Hornell, New York.
1. Respondent failed to maintain a record which adequately reflects the care, treatment and evaluation of Patient E.

SPECIFICATIONS OF MISCONDUCT

FIRST THROUGH FIFTH SPECIFICATIONS

INADEQUATE RECORDS

Respondent is charged with failing to maintain a record for his patients which accurately reflects the evaluation and treatment of the patients, in violation of New York

Education Law § 6530(32), in that Petitioner charges:

1. The facts in Paragraphs A and A.1.
2. The facts in Paragraphs B and B.1.
3. The facts in Paragraphs C and C.1.
4. The facts in Paragraphs D and D.1.
5. The facts in Paragraphs E and E.1.

DATED: 9/27/2000
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct