



STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

August 29, 2000

Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Darshan Singh Sidhu, M.D.
License No. 155912

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Darshan Singh Sidhu's right to practice medicine in the State of New York. This Order was issued on August 28, 2000, and shall remain in effect until further notice.

Sincerely,

A handwritten signature in cursive script that reads 'Anne Saile'.

Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

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

IN THE MATTER
OF
DARSHAN SINGH SIDHU, M.D.

COMMISSIONER'S
SUMMARY
ORDER
AND
NOTICE OF
HEARING

TO: **Darshan Singh Sidhu, M.D.**
8 Chablis Circle
Salinas, California 93904

Darshan Singh Sidhu, M.D.
680 East Romie Lane
Salinas, California 93901

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that **Darshan Singh Sidhu, M.D.**, has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, for acts which if committed in New York state, would have constituted an imminent danger to the health of the people and it appears prejudicial to the interests of the people to delay action.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, **Darshan Singh Sidhu, M.D.**, Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law Section 230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law Section 230, and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 20th day of September, 2000, at 10:00 am in the forenoon at Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, and at such other adjourned dates, times, and places as the committee may

direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. Such evidence or sworn testimony shall be 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 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. A summary of the Department of Health Hearing Rules is enclosed. 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 hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the Administrative Law Judge's Office, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, (518-402-0751), 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. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction to be imposed or appropriate action to be taken. 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 FORTH IN NEW YORK PUBLIC HEALTH LAW SECTION 230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY IN THIS MATTER.

DATED: Albany, New York

8/28, 2000


ANTONIA C. NOVELLO, M.D., M.P.H.
Commissioner

Inquiries should be addressed to:

Robert Bogan
Assistant Counsel
Office of Professional Medical Conduct
433 River Street - Suite 303
Troy, New York 12180
(518) 402-0820

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

**IN THE MATTER
OF
DARSHAN SINGH SIDHU, M.D.**

**STATEMENT
OF
CHARGES**

Darshan Singh Sidhu, M.D., the Respondent, was authorized to practice medicine in New York state on October 3, 1983, by the issuance of license number 155712 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 3, 2000, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Notice of Automatic Suspension Pursuant to Business and Professions Code Section 2236.1 (hereinafter "California Suspension"), suspended Respondent's California Physician and Surgeon Certificate, based on the Respondent's conviction, as further described in Paragraph B below, of a felony that, "On or about May 14, 1999, said defendant(s) did commit a(n) FELONY namely: violation of Section 729(b)(3)(a) of the Business & Professions Code of the State of California, in that the said defendant, DARSHAN SINGH SIDHU, employed and holding himself out to be a physician did willfully and unlawfully engage in an act of sexual exploitation in that while in the course of treating patients [Y.M.] and [M.S.] said defendant engaged in an act of sexual contact with these victims," and that he was sentenced to 5 years felony probation and committed to the custody of the Kings County Sheriff for a period of 180 days in jail, effective March 10, 2000, and, thereafter, was placed in an electronic monitoring home detention program which is considered an alternative form of confinement or incarceration.

B. On or about December 22, 1999, in the County of Kings, Superior Court of the State of California, Respondent was found guilty of violating Business and

Professions Code 729(b)(3)(a), Sexual Exploitation, a felony, and was sentenced to one hundred eighty (180) days jail, electronic monitoring home detention program, and five (5) years felony probation.

C. On or about June 6, 1989, in the First District Court of Nassau County, New York, Respondent was found guilty of a violation of Section 1192.2 of the Vehicle and Traffic Law, Driving While Intoxicated, a misdemeanor, and was sentenced to a \$250.00 fine, one (1) year conditional discharge, and ninety (90) day license suspension.

D. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(2) (practicing the profession beyond its authorized scope);
2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations)
3. New York Education Law §6530(17) (exercising undue influence on a patient);
4. New York Education Law §6530(20) (moral unfitness); and/or
5. New York Education Law §6530(31) (harassing, abusing, or intimidating a patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1. The facts in paragraphs A, B, and/or D.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of having his license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional medical conduct under the laws of New York state, in that Petitioner charges:

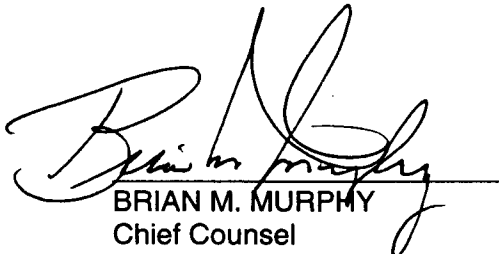
2. The facts in paragraphs A, B, and/or D.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(i) by reason of having been convicted of a crime under New York state law, in that Petitioner charges:

3. The facts in paragraph C.

DATED: 8/28, 2000


BRIAN M. MURPHY
Chief Counsel
Bureau of Professional Medical
Conduct