



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 7, 1994

RECEIVED

NOV 09 1994

OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Satwant Kaur Pel, M.D.
c/o Sikh Hindu Temple
541 Prospect Street
Glen Rock, New Jersey 07452

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

RE: In the Matter of Satwant Kaur Pel, M.D.
Effective Date: 11/14/94

Dear Dr. Pel & Ms. Pel :

Enclosed please find the Determination and Order (No. 94-120) 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.

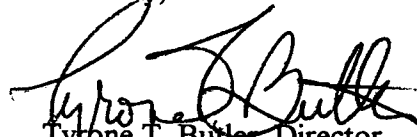
Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified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



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**

SATWANT KAUR PEL, M.D.

**ADMINISTRATIVE
REVIEW BOARD
DECISION AND
ORDER NUMBER
ARB NO. 94- 120**

A quorum of the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board"), consisting of **ROBERT M. BRIBER, WINSTON S. PRICE, M.D., EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**¹ held deliberations on October 11, 1994 to review the Hearing Committee on Professional Medical Conduct's (Hearing Committee) June 25, 1994 Determination finding Dr. Satwant Kaur Pel (Respondent) guilty of a violation of probation. The Respondent requested the Review through a Notice which the Board received on August 15, 1994. James F. Horan served as Administrative Officer to the Review Board. The Respondent submitted a brief on her own behalf on September 20, 1994. Jean Bresler, Esq. submitted a reply brief for the Office of Professional Medical Conduct (Petitioner) on September 26, 1994.

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:

- 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

¹ Sumner Shapiro did not participate in this case.

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 charged that the Respondent violated the probation that the New York State Commissioner of Education had imposed upon the Respondent following an earlier disciplinary proceeding. In January, 1990 the Commissioner of Education suspended the Respondent's medical license for one year and placed the Respondent on probation for three years, following a determination that the Respondent had practiced medicine while impaired by mental disability. The determination was based upon a prior Hearing Committee on Professional Medical Conduct's findings that the Respondent had made irrational statements which demonstrated that the Respondent was suffering from delusions.

The Hearing Committee in this case determined that the Respondent had violated the terms of the 1990 probation by failing to submit to an examination and necessary psychiatric treatment, by failing to submit quarterly psychiatric reports to the Office of Professional Medical Conduct (OPMC) stating whether the Respondent was fit to practice as a physician in New York State, failing to make quarterly visits to OPMC and failing to advise the Health Department in writing of any changes in address. The Committee also found, based on the testimony of the Petitioner's expert Dr. Hess, that the Respondent has been and continues to be delusional. The Committee rejected a letter from a Dr. Seelye that stated the Respondent was not suffering from any condition that would impair her ability to diagnose and treat patients. The Committee found no credible evidence that indicated the number of times that Dr. Seelye examined and treated the Respondent or as to whether Dr. Seelye had the opportunity to review the same documents which Dr. Hess examined.

The Hearing Committee concluded that the Respondent had clearly and wilfully violated the terms of her probation and noted that the Respondent testified that she would not necessarily submit to an examination by a psychiatrist of her own choosing who is also approved by OPMC. The Committee voted to revoke the Respondent's license to practice medicine in New York

State.

REQUESTS FOR REVIEW

The Respondent has asked that the Review Board overturn the Hearing Committee's Determination and return her license to her, with only a requirement that she continue to see a psychiatrist. The Respondent argues that she maintained communication with the Education Department rather than the Health Department during the time of probation and that she had contact with Dr. Seelye during the time of probation, which satisfied her terms of probation.

The Petitioner asks the Review Board to sustain the Hearing Committee's Determination. The Petitioner notes that the Hearing Committee rejected the Respondent's claim that she had complied with the probation terms and the Petitioner asserts that the Penalty is consistent with the Committee's findings that the Respondent has not complied with her terms of probation. The Petitioner asserts that the Penalty is appropriate in view of the Respondent's testimony that she will not see a psychiatrist if directed to do so by the Hearing Committee and in view of the record, which documents that the Respondent remains impaired.

REVIEW BOARD DETERMINATION

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

The Review Board votes to sustain the Hearing Committee's Determination that the Respondent was guilty of violating her 1990 probation. The Determination was consistent with the Committee's findings and conclusions. The Committee as finder of fact did not accept the Respondent's defense that her contact with Dr. Seelye and her contact with the Education Department complied with the clear terms of her probation. The Committee also found that the Respondent's non-compliance was clear and wilful.

The Review Board sustains the Hearing Committee's Determination revoking the Respondent's license to practice medicine in New York State. The Respondent remains impaired. She has failed to comply with the terms of the earlier probation that requires her to undergo treatment for

her impairment and she indicated at the hearing that she would refuse to undergo treatment if the hearing Committee ordered her to do so in this case. The record demonstrates that the Respondent is unable to practice medicine in her impaired state and that she is unwilling to undergo treatment. The Hearing Committee had no alternative but to revoke the Respondent's license to practice medicine in New York State.

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 July 25, 1994 Determination finding Dr. Satwant Kaur Pel guilty of violation of probation.

2. The Review Board **sustains** the Hearing Committee's Determination revoking the respondent's license to practice medicine in New York State.

ROBERT M. BRIBER

WINSTON S. PRICE, M.D.

EDWARD SINNOTT, M.D.

WILLIAM A. STEWART, M.D.

IN THE MATTER OF SATWANT KAUR PEL, 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. Pel.

DATED: Roslyn, New York

December 1, 1994

A handwritten signature in cursive script, appearing to read "Ed C. Sinnott", written over a horizontal line. The signature is positioned to the right of the date.

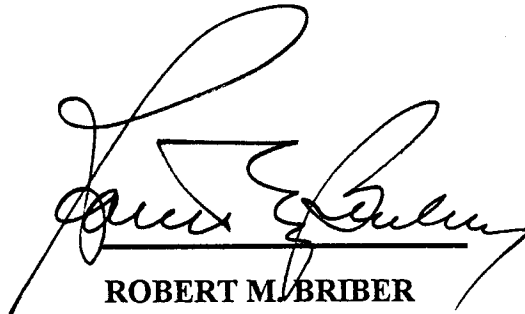
EDWARD C. SINNOTT, M.D.

IN THE MATTER OF SATWANT KAUR PEL, 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. Pel.

DATED: Albany, New York

11/4, 1994



ROBERT M. BRIBER

IN THE MATTER OF SATWANT KAUR PEL, 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. Pel. :

DATED: Syracuse, New York

1 Nov., 1994

William A Stewart


WILLIAM A. STEWART, M.D.

IN THE MATTER OF SATWANT KAUR PEL, M.D.

WINSTON S. PRICE, M.D., a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Pel.

DATED: Brooklyn, New York

_____, 1994



WINSTON S. PRICE, M.D.



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

OFFICE OF PUBLIC HEALTH
Lloyd F. Novick, M.D., M.P.H.
Director
Diana Jones Ritter
Executive Deputy Director

July 25, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jean Bresler, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001

Satwant Kaur Pel, M.D.
c/o Sik Hindu Temple
541 Prospect Street
Glen Rock, New Jersey 07452

Satwant Kaur Pel, M.D.
c/o Jean Bresler, Esq.
New York State Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001

RE: In the Matter of Satwant Kaur Pel, M.D.

Dear Ms. Bresler and Dr. Pel:

Enclosed please find the Determination and Order (No. BPMC-94-120) 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,


Tyrone T. Butler, Director
Bureau of Adjudication

TTB:crc

Enclosure

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

**IN THE MATTER
OF
SATWANT KAUR PEL, M.D.**

**DETERMINATION
AND
ORDER
NO. BPMC-94-120**

ARTHUR ZITRIN, M.D., Chairperson, **WILLIAM W. FALOON, M.D.**, and **JAMES P. MILSTEIN, J.D.**, duly designated members of the State Board for Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230 (1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **ELLEN B. SIMON, ESQ.**, Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

After consideration of the entire record, the Hearing Committee submits this determination and order.

NOTICE OF VIOLATION OF PROBATION

The Notice of Violation of Probation essentially charges the Respondent with professional misconduct by reason of having violated the terms of probation imposed upon her by Order of the Commissioner of Education, dated January 30, 1990.

The charges are specifically set forth in the November 9, 1992 letter from Kathleen M. Tanner, Office of Professional Medical Conduct, to the Respondent, a copy of which is attached to and made a part of this Determination and Order.

SUMMARY OF PROCEEDINGS

Notice of Violation of Probation Hearing
dated: March 16, 1994

Notice of Violation of Probation dated: November 9, 1992

Hearing dates: April 28, 1994
May 9, 1994
May 16, 1994

Deliberation date: June 13, 1994

Place of hearing: NYS Department of Health
5 Penn Plaza - Sixth floor
New York, New York

Petitioner appeared by: Peter J. Millock, Esq.
General Counsel
NYS Department of Health
By: Jean Bresler, Esq.
Associate Counsel

Respondent appeared pro se

4

WITNESSES

For the Petitioner: Cheryl B. Ratner
Supervising Medical Conduct
Investigator/Probation Supervisor
Office of Professional Medical
Conduct

Howard Hess, M.D.

For the Respondent: Respondent

FINDINGS OF FACT

Numbers in parentheses refer to transcript pages or exhibits, and they denote evidence that the Hearing Committee found persuasive in determining a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the evidence cited.

1. On or about March 22, 1989, a hearing was commenced before a duly designated Hearing Committee (hereinafter "Referral Committee") of the State Board for Professional Medical Conduct in the matter of Satwant Kaur Pel, M.D. (hereinafter "Respondent") (Department's Exhibit [hereinafter Dept. Ex.] 2).
2. At the conclusion of the hearing, the Referral Committee found that the Respondent had practiced medicine while impaired by mental disability. The Referral Committee's conclusions were based upon their finding that the Respondent made irrational statements which evidenced that she was suffering from delusions while practicing the profession of medicine. The Referral Committee found that this constituted practicing while her ability to practice was impaired by mental disability (Dept. Ex. 2).
3. On or about January 31, 1990, the Commissioner of Education issued an Order which suspended the Respondent's license for three years, the last two years of said suspension were stayed. The Order further provided for a concurrent three-year period of probation included the following:

During the first year of probation, the Respondent was both to refrain from the practice of the profession and to submit to an examination and treatment by a psychiatrist. Pursuant to the terms of the Order the psychiatrist selected by the Respondent was to be approved in writing by the Office of Professional Medical Conduct of the New York State Department of Health (sometimes hereinafter "OPMC"). In addition, the Respondent was directed that once every three months, during the entire period of probation, she was to submit to the Health Department a report from that psychiatrist in which the psychiatrist was required to state whether the Respondent was fit to practice medicine as a physician in the State of New York.

The terms of probation also required that, during the second and third years of the period of probation, the Respondent make quarterly visits to an employee of the OPMC.

The terms of probation further required that the Respondent submit to the New York State Department of Health, addressed to the Director of the Office of Professional Medical Conduct, Empire State Plaza, Albany, New York, written notification of her residence, telephone number, or mailing address, and any change in her telephone number or mailing address within or without the State of New York.

In addition, the Respondent was to provide to the Director of the OPMC written notification of any employment or change in employment during the probationary period.

During the probationary period, the Respondent was also required to submit to the Director of the OPMC proof either that she was currently registered with the New York State Education Department or that she had advised the Department of Professional Licensing that she was not engaging in the practice of her profession in the State of New York and did not desire to register (Dept. Ex. 2).

4. These requirements of probation were clearly set forth in the Commissioner of Education's Order with attachments. The terms of probation were set forth in Exhibits F and G of that document. These documents were all sent to the Respondent by certified mail on February 6, 1990. Proof of that mailing and receipt were provided as part of Department's Exhibit 2 in evidence (see also Dept. Ex. 22).
5. Cheryl B. Ratner testified on behalf of the Department. Ms. Ratner has worked in the Probation Unit of the OPMC since December 1988. She is currently

Supervising Investigator of that unit. Ms. Ratner's job is to monitor compliance with terms of their probation by physicians who have been placed on probation by either the Department of Education or the Department of Health (Transcript at page [hereinafter "T."] 122).

6. Ms. Ratner testified that she first became involved with the probation of the Respondent in 1990. At the time, Mr. Vincent Martiniano was handling the Respondent's case, but in 1990 he was unable to locate her, and at that point Ms. Ratner began to work on the case as well (T. 125).
7. Ms. Ratner testified that from reviewing the files of the Department of Health, Office of Professional Medical Conduct, she was able to determine that the first contact with the Respondent made by the Probation Unit was in a letter sent form Kathleen Tanner on February 23, 1990 (T. 125). This letter was received by the Respondent, as indicated by the return receipt that she signed (T. 126, Dept. Ex. 3).
8. On April 4, 1990, a second follow-up letter was sent to the Respondent at the address to which the February 23 letter had been sent (Dept. Ex. 4). Ms. Ratner testified that there was no indication in the probation file that this letter was returned by the United States Postal Service, although this second letter was not sent by certified mail (T. 129-130).
9. On or about April 28, 1990, the Respondent sent to the New York State Health Department a letter allegedly responding to the OPMC's letter to her. In that letter, which was introduced as Department's Exhibit 5, the Respondent made it clear that she did not intend to respond to the letters that were sent to her by the

OPMC Department of Probation (T. 131-132).

10. Pursuant to the terms of the Respondent's probation she was to submit during the first year to a psychiatric evaluation and any necessary treatment. The psychiatrist was to be of her choosing but approved in advance of treatment by the OPMC (Dept. Ex. 2). Ms. Ratner testified that, based upon her experience with the OPMC and with the Probation Unit, it is Kathleen Tanner, Director of the OPMC, who is required to approve a psychiatrist under these circumstances. Ms. Ratner testified that at no time during the period from February through May of 1990 did the Respondent ever submit a proposal for psychiatric evaluation (T. 131-132).
11. On April 28, 1990, Vincent Martiniano sent the Respondent a letter in answer to her letter of the same date. Mr. Martiniano's letter was addressed to the address that the Respondent had provided in her April 28th letter. In Mr. Martiniano's subsequent letter of May 28, he again asked the Respondent to provide certain information pursuant to the terms of her probation. This letter was returned to the Department of Health by the Post Office with the notation "moved, left no address." At no time did the Respondent inform the Probation Unit that she was leaving the address from which she had previously corresponded (T. 131-132).
12. Following the return of Mr. Martiniano's May 28 letter to the OPMC, the Probation Unit sent a letter to the Division of Professional Licensing Services (sometime hereinafter "DPLS"), advising them both that the Unit had lost contact with the Respondent and that letters had been returned and requesting that the DPLS contact the OPMC Probation Unit and notify the Unit of any new address that they received for the Respondent or any inquiries from her (T. 135). The DPLS is part of the New York State Education Department (T. 135-136).

13. In addition to notifying the State Education Department that the OPMC was attempting to locate the Respondent, the Probation Unit also notified the Federation of State Medical Boards and the American Medical Association in an attempt to locate her and learn her address and/or telephone number (T. 136).
14. The files of the OPMC Probation Unit indicate that on August 30, 1990, Mr. Martiniano spoke by telephone with Mr. Kirk, an investigator with the State Education Department, Office of Professional Discipline, regarding the Respondent. During that conversation, Mr. Kirk communicated information regarding the Respondent's possible whereabouts (T. 136-137). On October 10, 1990, a letter was sent to the Respondent at all three of the addresses that Mr. Kirk had given by phone to Mr. Martiniano (T. 137-139, Dept. Ex. 9). All three copies of this letter sent to the three different addresses provided by Mr. Kirk were returned to the OPMC by the Post Office with the indication that they were undeliverable and unclaimed by the Respondent (T. 139-140).
15. Between May and October 1990 and between 1991 and 1992, the Respondent failed to communicate with the OPMC in any manner as to her whereabouts, her address, or her telephone (T. 140, 148). Between August 1990 and September 1991, the OPMC received no information concerning the Respondent's whereabouts, until on or about September 1991, the OPMC received an inquiry from the Maine Board for Medicine, indicating that the Respondent was attempting to register in that state (T. 141-143). Pursuant to that inquiry, the Department of Health learned of the Respondent's address in England (T. 143).
16. On or about October 7, 1991, based upon the information received from the

Maine Board for Licensing, the Probation Unit of the OPMC again wrote to the Respondent, this time at 14 Lady Margaret Road, South Hall, Middlesex, England (T. 144, Dept. Ex. 10). In addition to sending a letter to 14 Lady Margaret Road, the Probation Unit also sent a copy of the same letter to an address on Apple Ridge Drive in Columbus, Ohio. This address was also provided to the Probation Unit by the Education Department (T. 144).

17. In the letter of October 1991, the Respondent was again reminded of the necessity of examination and treatment by a psychiatrist. An October 31, 1991 meeting with the OPMC was scheduled for the Respondent, but she did not appear for it (T. 145).

Between 1991 and 1992, the Respondent never provided the Department of Health with the name of a psychiatrist by whom she wished to be evaluated (T. 148). Between 1990 and 1992, the Respondent never met with anyone from the OPMC for her quarterly meetings; neither did she request a meeting or a waiver of the requirement of a meeting (T. 148-149).

18. Both copies of the October 1991 letter were returned to the OPMC and apparently never reached the Respondent (T. 145). Between October 1991 and July 1992, the OPMC Probation Unit received no information regarding the Respondent or her whereabouts. In June 1992, the Probation Unit obtained information from the Education Department including a letter from the Respondent dated June 26, 1992, addressed to the Division of Professional Licensing. The Respondent asked what they had done to her license and indicated that she was in the United Kingdom, for a short time, at the address provided (T. 146, Dept. Ex. 20).

19. The OPMC Probation Unit again attempted to reach the Respondent at the 14 Lady Margaret address by letter dated July 15, 1992. That letter reiterated the requirements of her probation and advised her that she was in violation of her probation (T. 147, Dept. Ex. 11). There is no indication that that July 15 letter was not received by the Respondent; it was not returned by the Post Office.

20. On July 16, 1992, Ms. Ratner had a telephone conversation with the Respondent. In that conversation Ms. Ratner advised the Respondent that she was in violation of her probation and reiterated its terms. Ms. Ratner further advised the Respondent that she had been trying to locate her at various addresses and that all the mail sent to her had been returned by the Post Office. Ms. Ratner specifically reminded the Respondent of the requirement of psychiatric examination and treatment. The Respondent told Ms. Ratner at that time that somebody was after her, that she did not know who it was, and that this person had stolen her keys. The Respondent offered that as an explanation for why she had been moving around to get away, but that someone kept following her (T. 151-152). During the same conversation, she advised Ms. Ratner that she did not have an address and was afraid to give her one. Ms. Ratner testified that her records indicate that in addition to the above, she advised the Respondent that she thought she should seek help. Ms. Ratner told her that her New York license was in jeopardy and that she could lose her ability to practice medicine in the State of New York. Ms. Ratner asked the Respondent immediately to contact a psychiatrist and said that if a psychiatrist in England agreed to evaluate and treat her, the Respondent should send that information to the OPMC. Ms. Ratner again gave the Respondent her name and address and again asked the Respondent for her own address, which she refused to provide (T. 153). Between July and August the Probation Unit did not hear from the Respondent, and so on August 25, 1992, Ms. Ratner prepared a

memo for Kathleen Tanner regarding the Respondent's violation of the terms of her probation (T. 154-155).

21. Between 1991 and 1992, the OPMC's Probation Unit received no information or correspondence from the Respondent notifying them of her whereabouts. Neither, from 1991 to 1992, did they receive any correspondence from the Respondent offering the name of a psychiatrist by whom she wished to be evaluated (T. 148).
22. On November 9, 1992, Kathleen Tanner informed the Respondent in writing that she was in violation of the terms of her probation. That letter further advised the Respondent that, based upon this alleged violation, action was about to be taken. The letter was addressed to the Respondent at 14 Lady Margaret Road in Middlesex, England--the address confirmed during the July 1992 telephone conversation between the Respondent and Ms. Ratner (T. 157). This time, the violation of probation letter was returned to the OPMC by the Post Office with the notation "Gone away" (T. 158, Dept. Ex. 12).
23. On August 28, 1992, the Respondent sent a letter to Ms. Ratner indicating that she was responding to the letters from the Probation Department written in 1990. She asked Ms. Ratner to let her know where she stood with respect to her license (T. 192). Ms. Ratner testified that, based upon her review of this August 28 letter, it appeared that the correct return address might have been 16 Lady Margaret Road rather than 14 Lady Margaret Road, and so she re-sent the violation of probation letter to the Respondent at number 16 instead (T. 192). This re-sent letter was also returned to the OPMC unclaimed by the Respondent (T. 193, Dept. Ex. 13).

24. On or about October 12, 1993, the Respondent called Ms. Ratner. Based upon this conversation, Ms. Ratner re-sent the notice of violation of probation letter to the Respondent at 14 Lady Margaret Road (T. 194, Dept. Ex. 14).
25. During the October 12 conversation, the Respondent stated that "they ruined her life by killing her father, breaking into her flat, stealing her things, and following her everywhere" (T. 194). When Ms. Ratner asked the Respondent to whom she was referring, the Respondent replied that a private eye was after her and said it was a New York investigator (T. 195).
26. On December 30, 1993, the Respondent called Ms. Ratner and confirmed that she had received the violation of probation letter from Kathleen Tanner and had responded to it. She also indicated that she had just returned to the United States that week and was living in a motel in New Jersey. During the same telephone conversation, Ms. Ratner gave the Respondent the 800 number for the State Medical Society and recommended that she call them and speak with someone there to seek assistance. Following that conversation with the Respondent, Ms. Ratner telephoned Linda Lambert, Director of the Physicians Health Program for the Medical Society, and explained to her that the Respondent might be contacting her (T. 198).
27. Ms. Ratner testified that on January 18, 1994, she spoke with Ms. Lambert, who had called her. Ms. Lambert advised her that the Respondent had had one telephone conversation with her but would not then give Ms. Lambert her telephone number or address and would not commit herself to going in to talk with someone at the Medical Society (T. 199).

28. On March 7, 1994, Ms. Ratner spoke with the Respondent by telephone and advised her that the date of her hearing was April 28, 1994 (T. 201).
29. Ms. Ratner testified that from February 1990 through February 1993--the entire period of probation--except for the telephone conversations that she had testified to and the letters that had been placed in evidence, the OPMC Probation Unit had received no communication from the Respondent (T. 202).
30. The Hearing Committee finds that from February 1990 through February 1993, the only written communication sent by the Respondent to the OPMC are those written communications that are contained in the record of this proceeding. In addition, the Committee finds that the only telephone communication between the Respondent and the OPMC were those telephone conversations testified to by Ms. Ratner in the course of this proceeding (T. 202-203).
31. At no time during her period of probation, February 1990 through February 1993, did the Respondent provide to the OPMC the name of the psychiatrist whom she proposed to evaluate her, pursuant to the terms of that probation (T. 202-203).
32. During her period of probation, the Respondent failed to schedule any appointment with the OPMC pursuant to the probation terms that require her to make quarterly visits to that office during that period (T. 203, Dept. Ex. 2).
33. Between February 1990 and February 1993, the OPMC received no information from the Respondent or from a psychiatrist indicating that the Respondent was in treatment either in the United States or in England (T. 203-204).

34. Between February 1990 and February 1993, the OPMC received no certification from any psychiatrist that the Respondent was capable of practicing medicine (T. 204).
35. In 1994, following the period of probation, the Department of Health did receive a letter from Dr. Edward E. Seelye, a psychiatrist who testified on behalf of the Respondent in the original misconduct proceeding. Dr. Seelye was never proposed by the Respondent as the psychiatrist to evaluate her pursuant to the terms of probation, and he was thus never considered or approved by the OPMC, as the terms of probation required, as a psychiatrist appropriate to perform that function (T. 205, Dept. Exs. 2, 17).
36. The Respondent replied to Kathleen Tanner's notice of violation of probation in a letter addressed to Ms. Tanner and sent on November 1, 1993. That letter was introduced in evidence as the Department's Exhibit 16 (T. 256). The Department received that Exhibit 16 letter on February 7, 1994 (T. 257).
37. Department's Exhibit 17 was also sent by the Respondent to the OPMC in response to Ms. Tanner's letter notifying the Respondent that she was in violation of the terms of her probation. In Exhibits 12, 13, and 14, the Respondent was advised that the basis of the violation included her failure to make quarterly visits to an employee of the OPMC and her failure to submit to an examination and any necessary treatment by a psychiatrist approved in advance in writing by the New York State Health Department. The Respondent was further advised in this violation of probation letter that if she disputed any of the facts it alleged, she was to so respond, and a hearing would be afforded her before a committee on professional medical conduct (Dept. Exs. 12, 13, and 14).

38. Both Department Exhibits 16 and 17 address the allegations of violation of probation contained in Kathleen Tanner's letters to the Respondent. Department's Exhibit 17, the Respondent's letter of November 1993, specifically addresses on page 3 the allegations set forth in the notice of violation of probation letter. Exhibit 16 is also a response to the notice of violation of probation letter sent to the Respondent. On the last page of Exhibit 16, the third and fourth paragraphs indicate that the Respondent is answering the notice of violation of probation letter and that she wishes her letter to be seen by the committee on professional medical conduct that would decide the issues involving her license. In the last paragraph of Exhibit 16, the Respondent quotes the notice of violation of probation letter. It is clear that the Respondent received notice of violation of probation by her receipt of Department's Exhibit 14 in evidence.

39. In Kathleen Tanner's February 9, 1994 letter, addressed to the Respondent in Glen Rock, New Jersey, the notice of violation of probation letter originally sent to the Respondent (Dept. Exs. 12, 13, and 14) was amended to include additional allegations of violation of probation (Dept. Ex. 18).

40. Ms. Tanner's February 9, 1994 letter specifically sets forth the following additional probation violations: that the Respondent failed during her period of probation to submit to a Health Department employee quarterly reports from a psychiatrist indicating that she was fit to practice medicine in the State of New York; that the Respondent failed during her period of probation, as its terms required, to notify the Department of Health of her mailing address, residence, and telephone number; and, finally, that the Respondent failed to provide proof of registration pursuant to the terms of her probation. The Respondent received this

letter on February 16, 1994, as it was sent by certified mail and signed for on that date (Dept. Ex. 18).

41. On March 16, 1994 at 3:00 p.m., the Respondent was personally served with the notice of violation of probation hearing and exhibit thereto. The exhibits included (1) the November 9, 1992 notice of violation of probation letter, (2) the September 22, 1993 notice of violation of probation letter mailed to 16 Lady Margaret Road, England , and (3) a copy of the notice of violation of probation letter which was re-sent to the Respondent at 14 Lady Margaret Road on October 12, 1993, as well as (4) the February 9, 1994 letter from Kathleen Tanner which amends the original notice of violation of probation letter (Dept. Ex. 1).
42. Dr. Howard Hess appeared on behalf of the Department. Dr. Hess is a physician licensed in the State of New York and is Board Certified in psychiatry. He has practiced psychiatry and psychoanalysis since 1956. He has engaged in both private practice and occupational psychiatry, serving as the staff psychiatrist for the New York Times and as corporate psychiatrist to AT&T and The Port Authority of New York and New Jersey (T. 70-72).
43. Dr. Hess testified that during the course of his practice he has diagnosed and treated patients who were suffering from paranoia and delusional disorders (T. 82-82).
44. Dr. Hess testified that he disagreed with Dr. Seelye's assertions in his letter of January 23, 1994. He testified that, based upon his review of documents written by the Respondent, she is currently impaired because she is still delusional. It was Dr. Hess's opinion that the Respondent has been delusional for many years

and continued to be so as recently as 4 or 5 months ago, when she wrote Exhibits 16 and 17 (T. 81).

45. Dr. Hess also addressed the Respondent's letter introduced in evidence as Department's Exhibit 16. Dr. Hess testified that many statements in the letter are evidence of the Respondent's delusional thinking; that the Respondent believes that there is a conspiracy against her involving many agencies and people; and that the material is on its face bizarre, that it could not be possible that such a conspiracy exists, and that the material is evidence of delusion (T. 94).
46. Dr. Hess also addressed Department's Exhibit 17, the Respondent's letter dated November 18, 1993. Dr. Hess testified that this letter evidences that in November 1993, the Respondent was suffering from delusions (T. 97).
47. The Respondent's questioning of Dr. Hess evidenced lack of insight into her impairment (T. 105-108).
48. Dr. Hess's testimony was based upon the documents authored by the Respondent and introduced in evidence by the Department, including Department's Exhibits 7, 16, and 17. Dr. Hess testified that based upon his review of those documents, it appears that the Respondent is suffering from a delusional disorder (T. 116-117).
49. The Hearing Committee rejects the Respondent's defense that she complied with the terms of her probation by communicating with Mr. Kirk at the Education Department. It is clear from the documentary evidence submitted by both parties that in the letters sent by the Education Department to the Respondent, that department advised her that they were supervising only the suspension of her

license. The Education Department never made any representation to her that they were supervising her probation. Additionally, the affidavit submitted by Mr. Edward J. Kirk, the investigator from the Education Department with whom the Respondent testified that she communicated, indicates that Mr. Kirk's only involvement with the Respondent concerned the surrender of her license during the actual period of suspension. The affidavit further indicates that during most of the probationary period Mr. Kirk had absolutely no contact with the Respondent. Mr. Kirk's affidavit further establishes that he at no time advised the Respondent that he was supervising her probation or that he was empowered to modify its terms. The affidavit clearly indicates that during most of the probationary period, from late 1990 through 1993, Mr. Kirk had no contact at all with the Respondent. His limited contact with her involved the retrieval of her license in 1990 and its return to her in 1993 (Dept. Ex. 23).

¶

In addition, the testimony of Cheryl Ratner made it clear that the OPMC had had constant communication with the Education Department about the Respondent. As early as May 1990, the OPMC Probation Unit had advised the Division of Professional Licensing Services that they had lost contact with the Respondent and requested that the EDPLS contact the OPMC should they receive any information or communication from her. Ms. Ratner testified that pursuant to that May 1990 letter, the Education Department notified the OPMC whenever they received any communication from the Respondent. There was absolutely no evidence submitted that would establish that the Respondent at any time attempted to comply with the terms of her probation by submitting to the Education Department the information that those terms required she submit to the OPMC, including but not limited to documentation regarding evaluation and treatment by a psychiatrist and continuing notification of her address and

telephone number.

50. The Respondent's testimony was often circumstantial, rambling, disjointed, and irrelevant (e.g., T. 368-389).

CONCLUSIONS

1. The Hearing Committee finds that Satwant Kaur Pel, M.D., has violated the terms of probation imposed upon her by the Commissioner of Education as follows:
 - a. During the first year of the period of probation, February 1990 through February 1991, the Respondent failed to submit to an examination and to any necessary treatment by a psychiatrist selected by her and, prior to such examination and treatment, approved in writing by the Office of Professional Medical Conduct of the New York State Department of Health.
 - b. During the entire three-year period of probation, the Respondent failed to submit once every three months a report from said psychiatrist to the OPMC stating whether the Respondent was fit to practice as a physician in the State of New York.
 - c. During the entire period of probation, the Respondent failed to make quarterly visits to the OPMC.
 - d. During the entire period of probation, the Respondent failed to submit written notification to the New York State Department of Health of all changes in her mailing address, residence, and telephone number.
 - e. The Respondent failed to submit to the New York State Department of Health,

Director of the Office of Professional Medical Conduct, written proof that she was registered with the New York State Education Department; neither did she submit written proof to the New York State Department of Health that she had advised the Department of Professional Licensing Services that she was not engaging in the practice of her profession and did not desire to register.

In reaching these conclusions, the Hearing Committee also noted the testimony of the Department's expert witness, Dr. Howard Hess, and the January 23, 1994 letter of Dr. Edward E. Seelye (Dept. Ex. 17), both offered in evidence of the Respondent's mental state.

It is the opinion of Dr. Hess, based upon his review of certain documents authored by the Respondent and made available to him, that the Respondent has been delusional and continues to be so. (In reply to Dr. Hess's testimony, the Respondent referred to her own version of events and circumstances that she had cited in certain of her letters that Dr. Hess reviewed [T. 368-378], that people in her community were following her in their cars [T. 373] and that a Dr. Ali was purposely trying to prevent her from practicing medicine and to remove her from the United States [T. 372].)

As to Dr. Seelye's opinion, expressed in his letter of January 23, 1994 (Dept. Ex. 17), that the Respondent is not suffering from any condition that would impair her ability to diagnose and treat patients, there is no credible evidence either as to the number of times that Dr. Seelye examined and treated the Respondent or as to whether Dr. Seelye had the opportunity to review the same documents examined by Dr. Hess and, if he had, whether Dr. Seelye's opinion would have been different.

For example, Dr. Seelye offered neither an explanation nor an opinion of such of the Respondent's statements as that "I have taken photographs of the people making my life

difficult in my neighborhood involving merchant association, reporters, Mayor's office, students from Fordham and Long Island University and citizens. The information network of police which exists was also made use of, just as I proved in two traffic courts, in front of two Administrative Judges. These photographs has been stolen. I repeat, it is no delusions. I am trying to find out who they are, who are they" (T. 83).

Neither did Dr. Seelye appear as a witness, to be available for cross-examination and for questioning by the Hearing Committee. Accordingly, the Hearing Committee discounted Dr. Seelye's opinion.

VOTE OF THE HEARING COMMITTEE AND DETERMINATION AS TO PENALTY

In determining an appropriate penalty to impose upon the Respondent, the Hearing Committee has seriously considered all possible penalties available and believes that in view of the facts and conclusions stated herein, the Respondent has clearly and wilfully violated the terms of her probation and that, accordingly, her license to practice medicine should be revoked.

The Hearing Committee has noted that in the Respondent's April 28, 1990 letter to "Kathleen Tanner, the Director of the Office of Professional Medical Conduct" (Dept. Ex. 5), apparently responding to Ms. Tanner's February 23, 1990 letter (Dept. Ex. 3), the Respondent wrote, "...I stopped practicing my profession in [O]ctober 1989. I, therefore, have no reply to your questions or to any of the investigators'."

The Hearing Committee has also considered the Respondent's testimony that she would not necessarily submit to an examination by a psychiatrist of her choosing who is also

approved by the Office of Professional Medical Conduct if the Committee were to recommend such course of conduct (T. 387-389).

Therefore, the Hearing Committee has unanimously determined that the Respondent's license to practice medicine in the State of New York should be revoked.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED.**

DATED: New York, New York
July 18, 1994


ARTHUR ZITRIN, M.D., Chairperson

**WILLIAM W. FALON, M.D.
JAMES P. MILSTEIN, J.D.**



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, 1992

OFFICE OF HEALTH
SYSTEMS MANAGEMENT

Raymond Sweeney
Director

Brian Hendricks
Executive Deputy Director

STATE DEPT. OF HEALTH
DIVISION OF LEGAL AFFAIRS
PROFESSIONAL MEDICAL CONDUCT

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Satwant Kaur Pel, M.D.
14 Lady Margaret Road
South Hall
Middlesex, England UB 12 RA

PLAINTIFF'S
DEFENDANT'S
COMPANY'S
DEPARTMENT'S
PETITIONER'S for identification
RESPONDENT'S in evidence
DATE 4/28/94 REPORTER NM
STERLING REPORTING SERVICE, INC.

EXHIBIT 12

JAN 15 1993

RECEIVED

Dear Dr. Pel:

Please be advised that, as Director of the New York State Office of Professional Medical Conduct, I have determined, pursuant to N.Y. Public Health Law Section 230(19)(McKinney Supp. 1992), that you have violated the terms of probation imposed upon you by Order of the Commissioner of Education, dated January 30, 1990. The basis of the alleged violation of probation is based on the following facts:

1. You failed to make quarterly visits to an employee of the Office of Professional Medical Conduct.
2. Failed to submit to an examination and any necessary treatment by a psychiatrist approved by the Health Department.

Please be advised that if you do not dispute the facts forming the basis of the alleged violation of probation as outlined above within twenty (20) days of the date of this letter, I shall submit this matter to a committee on professional conduct for its review and determination. If within twenty (20) days of the date of this letter, you do dispute any of the facts forming the basis of the alleged violations, you have a right to and shall be afforded a hearing before a committee on professional medical conduct. You may be represented by counsel at that hearing. A stenographic record of that hearing shall be made. The Committee shall receive evidence and take testimony relating to your alleged violations of probation and thereafter shall make findings of fact, conclusions of law and a determination.

Should the committee determine that you have violated probation, it shall impose an appropriate penalty, taking into account both the violation of probation and the prior

adjudication of misconduct. The chairperson of the committee shall issue an order adopting the committee's decision. You may seek review of that order by the administrative review board for professional misconduct.

Because your ability to continue to practice medicine in this state may be in jeopardy, I recommend that you consult with an attorney. If you or your attorney wish to discuss this matter, you may call Jean C. Bresler, Associate Counsel at (212) 613-2601.

Very truly yours,



Kathleen M. Tanner
Director
Office of Professional
Medical Conduct
(212) 613-2601

Certified Mail-R/R/R No.