



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

OFFICE OF PROFESSIONAL DISCIPLINE
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Brooklyn, New York 11201

PUBLIC

May 9, 2005

Satwant Kaur Pel, Physician
a/k/a Satwant Kaur Kartar Singh Pel
6120 Woodside Avenue
Woodside, New York 11377

Re: Application Restoration

Dear Dr. Pel:

Enclosed please find the Commissioner's Order regarding Case No. CP-05-01 which is in reference to Calendar No. 17461. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*

GUSTAVE MARTINE
Supervisor

DJK/GM/er

The
University of the
Education



State of New York
Department

IN THE MATTER

of the

Application of SATWANT KAUR
PEL a.k.a. SATWANT KAUR
KARTAR SINGH PEL for
restoration of her license to practice
as a physician in the State of New
York.

Case No. CP-05-01

It appearing that the license of SATWANT KAUR PEL a.k.a. SATWANT KAUR KARTAR SINGH PEL, 6120 Woodside Avenue, Woodside, New York 11377, to practice as a physician in the State of New York, was revoked by a Hearing Committee of the State Board for Professional Medical Conduct, effective November 10, 1994, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having disagreed with the recommendation of the Peer Committee, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 15, 2005, it is hereby

ORDERED that the petition for restoration of License No. 156224, authorizing SATWANT KAUR PEL a.k.a. SATWANT KAUR KARTAR SINGH PEL to practice as a physician in the State of New York, is denied, but that the Order of Revocation of her license be stayed for 3 years, and said SATWANT KAUR PEL a.k.a. SATWANT KAUR KARTAR SINGH PEL be placed on probation for 3 years under the terms and conditions specified by the Board of Regents, and that upon successful completion of the probationary period, her license to practice as a physician in the State of New York shall be fully restored.



IN WITNESS WHEREOF, I, Richard P. Mills,
Commissioner of Education of the State of New York for
and on behalf of the State Education Department, do
hereunto set my hand and affix the seal of the State
Education Department, at the City of Albany, this 29th
day of April, 2005.


Commissioner of Education

Case No. CP-05-01

It appearing that the license of SATWANT KAUR PEL a.k.a. SATWANT KAUR KARTAR SINGH PEL, 6120 Woodside Avenue, Woodside, New York 11377. to practice as a physician in the State of New York, having been revoked by a Hearing Committee of the State Board for Professional Medical Conduct, effective November 10, 1994, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having disagreed with the recommendation of the Peer Committee, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 15, 2005, it was

VOTED that the petition for restoration of License No. 156224, authorizing SATWANT KAUR PEL a.k.a. SATWANT KAUR KARTAR SINGH PEL to practice as a physician in the State of New York, is denied, but that the Order of Revocation of her license be stayed for 3 years, and said SATWANT KAUR PEL a.k.a. SATWANT KAUR KARTAR SINGH PEL be placed on probation for 3 years under the terms and conditions specified by the Board of Regents, and that upon successful completion of the probationary period, her license to practice as a physician in the State of New York shall be fully restored.

Case number
CP-05-01
February 18, 2005

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: Satwant Kaur Pel
a.k.a. Satwant Kaur Kartar Singh Pel

Not Represented by an Attorney

Satwant Kaur Pel, 6120 Woodside Avenue, Woodside, New York 11377, petitioned for restoration of her physician license. The chronology of events is as follows:

- 10/17/83 Issued license number 156224 to practice as a physician in New York State.
- / - /88 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 03/23/89 Department of Health amended Statement of Charges.
- 07/31/89 Hearing Committee of State Board for Professional Medical Conduct recommended suspension of license until successful completion of a course of therapy or treatment prescribed by the Board of Regents.
- 09/25/89 Commissioner of Health recommended a stayed three-year suspension of license and three years of probation after successful completion of a course of therapy or treatment prescribed by the Board of Regents.
- 01/05/90 Regents Review Committee recommended a three-year suspension of license, two years stayed, and three years of probation with specified terms, including an initial and periodic psychiatric examinations to determine fitness to practice.
- 01/17/90 Board of Regents voted to accept the recommendation of the Regents Review Committee.

- 2/21/90 Effective date of Commissioner's Order.
- 11/09/92 Charged with violation of probation by Department of Health. (See "Disciplinary History.")
- 07/18/94 Hearing Committee of State Board for Professional Medical Conduct issued determination of guilt and ordered revocation of license.
- 11/04/94 Administrative Review Board for Professional Medical Conduct sustained determination of Hearing Committee.
- 11/10/94 Effective date of revocation.
- 03/17/97 Submitted application for restoration.
- 03/12/99 Peer Committee restoration review.
- 09/22/99 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")
- 12/20/04 Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached disciplinary documents.) In 1988, the Department of Health charged Dr. Pel with professional misconduct for practicing the profession while her ability to practice was impaired. The charges were based upon alleged statements Dr. Pel made in conversations with personnel at Bronx Lebanon Hospital Center from 1985 to 1987 and with personnel at Yonkers Medical and Dental Center from 1987 to 1988. The charges were amended in 1989 to include alleged statements Dr. Pel made in a letter to the Director of Obstetrics and Gynecology at Bronx Lebanon Hospital Center.

A Hearing Committee of the State Board for Professional Medical Conduct sustained the charge of practicing the profession while her ability to practice was impaired by mental disability and recommended that Dr. Pel's license be suspended wholly until she successfully completed a course of therapy or treatment. The Commissioner of Health accepted the findings of fact and conclusions of the Hearing Committee, but recommended that Dr. Pel's license be suspended for an additional three years after she successfully completed the course of therapy or treatment. Further, he recommended that the additional three-year suspension be stayed, provided that Dr. Pel's practice during that suspension was monitored by a physician approved in advance by the Office of Professional Medical Conduct. On January 5, 1990, a Regents Review Committee recommended that Dr. Pel's license be suspended for three years, last two years stayed, and that she be placed on probation for the entire three-year

period. Further, the Committee recommended that during the first year of probation, Dr. Pel not practice, offer to practice, or hold herself out as being able to practice medicine in the State of New York and that she was to submit, at her expense, to an examination and any necessary treatment by a pre-approved psychiatrist who must submit quarterly reports on Dr. Pel's fitness to practice medicine. On January 17, 1990, the Board of Regents concurred with the recommendation of the Regents Review Committee but added specified terms and conditions for the last two years of the probationary period. The Commissioner's Order was effective February 21, 1990.

In a letter dated November 9, 1992, the Department of Health informed Dr. Pel that she had violated the terms of her probation. The alleged violation of probation was based on the Department of Health's determination that Dr. Pel had failed to make quarterly visits to an employee of the Office of Professional Medical Conduct and had failed to submit to an examination and any necessary treatment by a psychiatrist approved by the Department of Health. On July 18, 1994, a Hearing Committee of the Department of Health determined that Dr. Pel had violated the terms of her probation and voted to revoke her license. Dr. Pel appealed the Hearing Committee's decision to an Administrative Review Board for Professional Medical Conduct. The Review Board sustained the Hearing Committee's determination that Dr. Pel was guilty of violation of probation and sustained the Hearing Committee's determination to revoke her license. The revocation was effective November 10, 1994.

On March 17, 1997, Dr. Pel submitted an application to restore her license.

Recommendation of the Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Harris, Cordice, Riggins) met with Dr. Pel on March 12, 1999 to review her application for restoration. In its report, dated September 22, 1999, the Committee recommended by a vote of 2-1 to deny her application for restoration of her physician license. The dissenting member recommended that the revocation be stayed and that Dr. Pel be placed on probation for five years under specified terms and conditions, including continued psychiatric care and completion of a supervised residency or fellowship.

Recommendation of the Committee on the Professions. On November 10, 1999, the Committee on the Professions (Duncan-Poitier, Muñoz, Ahearn) met with Dr. Pel to review her application for restoration. Her attorney, William Wood, Jr., accompanied her. She gave the Committee a letter, dated November 9, 1999, from Carlo Filliaci, M.D., indicating that he has been seeing Dr. Pel since 1996 and opining that she is fit to return to work as a full-fledged physician.

The Committee asked Dr. Pel to explain what led to the loss of her license. She explained that she arrived from England to accept a position at Bronx Lebanon Hospital. She reported that she did not have to do any residency training in the United States before becoming licensed and she believed some staff demonstrated hostility toward her because she did not have to do that training. She said, "They made me feel I was unwelcome." Dr. Pel explained that the training and experience she received in England

differed from that of other staff members. She reported that in England she held a Senior Registrar position, was a Consulting in obstetrics and gynecology, and was a member of the Royal College of Medicine. She said that she soon realized that there were differences in certain procedures and protocol in her specialty area of obstetrics/gynecology between what she experienced in England and what she was experiencing at Bronx Lebanon Hospital. Dr. Pel said that at the time she did not understand how the staff residents functioned in a hospital. She indicated that the positions were not similar to House Officers in the United Kingdom and she now realizes that the Chief Resident must be contacted before many decisions are made. She indicated that at the time she knew that she needed to learn American ways and had to work hard. Dr. Pel reported that her colleagues were saying that they knew more than she did but were making the statements "behind my back." She said, "I tried to be friendly." She indicated that because of the situation, she thought that the best thing for her to do was to resign her position.

The Committee asked Dr. Pel why she said at her disciplinary hearing that she would refuse to see a psychiatrist. She replied that she never refused to see a psychiatrist and thought it was a hypothetical question since she was already seeing a psychiatrist, Dr. Seelye. The Committee asked Dr. Pel why she refused to take the medication prescribed by her psychiatrist. She replied that she began to see Dr. Filiaci because he accepted Medicaid patients and at that time she was living in a shelter and could only find employment as an unskilled laborer. She indicated that she felt he suggested Holodol because she was crying as she described the conditions under which she was living and her inability to practice medicine. Dr. Pel told the Committee that she is very sensitive to many medications and knew, as a physician, the side effects of taking Holodol. She said that she did not want to take the chance of "dozing off" while working. She emphasized that since Dr. Filiaci only suggested the medication and did not insist that she take it, she did not feel that she "refused" to take it. Dr. Pel said that she has managed without the medication for the last three or four years.

Dr. Pel reported that she has not told many people about the reasons for the loss of her license although she continually asks herself, "Should I tell them." She said that she does not want to be labeled as "impaired" as people would think negatively about her and her abilities. She said that she worked in England and the Middle East for a short period of time but didn't tell them of her disciplinary action because she felt they wouldn't have hired her if they had known. She indicated that she felt she could not return to England at this time to practice medicine because she did not believe her disciplinary action could be kept secret and she did not want to be labeled as "impaired."

The Committee asked why she did not pursue a healthcare position in New York City. Dr. Pel replied that she did apply for such positions but never received any replies to her applications. She reported that when she asked about employment, the doctors told her that the "doors are closed." She said, "I always took CV's but nothing came of it." The Committee asked Dr. Pel how she was currently supporting herself. She replied that she has been on public assistance and is now receiving \$117 a month. She told the

Committee that she is trying to find employment so she can stop receiving the public assistance.

The Committee asked Dr. Pel if she would be willing to continue psychiatric treatment and have her psychiatrist submit periodic reports if her license were restored. She replied, "Yes, I'm currently doing it." The Committee asked if she would be willing to meet with an independent psychiatrist for an evaluation to determine if that professional felt she was fit to practice medicine. Dr. Pel replied, "Yes."

Following the meeting with Dr. Pel, the Committee members agreed that they wanted Dr. Pel to submit to a comprehensive examination by a psychiatrist licensed in the State of New York, selected by Dr. Pel and approved by the Executive Secretary of the New York State Board for Medicine. Further, the Committee agreed that the approved psychiatrist must submit a detailed report of the examination findings to the Committee, including an assessment of Dr. Pel's fitness to practice as a physician in the State of New York at that time. The Committee determined that it would take no further action on Dr. Pel's application until the psychiatrist's report was received. In a letter dated April 11, 2000, Dr. Pel was notified of the Committee's action.

In response to its request, the Committee received letters from Herbert H. Stein, M.D., dated June 3, 2000, and Carlotta Lief Schuster, M.D., dated June 11, 2000, regarding the results of their examinations and evaluations of Dr. Pel. Both of these psychiatrists are Board-certified and were approved by the Executive Secretary of the New York State Board for Medicine. In his letter, Dr. Stein stated, "...from a psychiatric standpoint, she is fit to practice" and, in her letter, Dr. Schuster stated, "...I can see no reason why her license should not be restored."

On November 15, 2000, the Committee on the Professions (Duncan-Poitier, Ahearn, Templeman) met with Dr. Pel. An attorney did not accompany her. She gave the Committee documentation of additional continuing medical education credits she had earned and definitions of "impaired physician" by the American Medical Association and the National Council on Alcoholism.

The Committee asked Dr. Pel to describe what has happened since her last meeting with them. She said that she wanted to bring to the Committee's attention the American Medical Association's definition of an impaired physician, which considers the physician's performance. She stated, "My performance was 10 out of 10." The Committee noted that it had to accept the findings of the Department of Health and asked, "Do you have a mental illness?" Dr. Pel replied that mental illness was a vague term and that it was her behavior that was being criticized. She reported that in England she had no problem, but that within six months of practicing in the United States, things changed. Referring to the material she presented to the Committee, Dr. Pel said that if her performance was good and she acted skillfully, then she was not impaired. She indicated that Dr. Seelye, Dr. Filiaci, Dr. Stein, and Dr. Schuster stated that she was fit to practice as a physician. Dr. Pel said that she went to two independent psychiatrists even though the Committee had required her to only see one.

The Committee noted that the revocation of her license was based upon her violation of probationary conditions as she did not keep in touch with the Department of Health and participate in psychiatric treatment. The Committee asked why this occurred. Dr. Pel said that she started to see a psychiatrist but had to leave the country because her father was very ill. She indicated that she moved him from India to England while he was semiconscious so that he could receive better care. Since she was not in the United States, Dr. Pel said she couldn't meet the probationary conditions.

Dr. Pel again described the differences in practice and protocol she experienced in England and in the United States and reiterated why she felt she was not accepted by staff here. She said that she now has a better understanding of the roles of hospital staff and believes she can avoid the problems that resulted in her previous alienation. Dr. Pel indicated that she now realizes when she is expected to make independent decisions and when she must discuss a case with a more senior staff member. She indicated that if her license were restored, she realized it might be difficult to find a position but would seek whatever might be available. She said that her talents could probably be used in a clinic. Dr. Pel told the Committee that she is a healthy person and has much to offer to the profession. She indicated that she has gone through a lot of adversity and hard times, but she has survived and is a strong person.

During its deliberations following the meeting, the Committee noted that in her letter of August 29, 1997 strongly opposing the restoration of Dr. Pel's license, the Director of the Office of Professional Medical Conduct stated:

The Administrative Review Board (ARB) of the Board for Professional Medical Conduct sustained the Hearing Committee Determination finding Dr. Satwant Pel guilty of a violation of her 1990 probation and unanimously sustained the Hearing Committee's Determination to revoke her license. They found that her non-compliance was clear and willful and that she "remains impaired." The ARB concluded that Dr. Pel was "unable to practice medicine in her impaired state" and that "she is unwilling to undergo treatment."

While it appears from her petition that Dr. Pel eventually engaged in psychotherapy, there is no indication that the treating psychiatrist was familiar with her disciplinary Orders, Dr. Hess' report or her prior psychiatric history. There is no evidence that her long-standing delusional thinking has been treated. The psychiatrist's report is devoid of any mention of this issue. Until this is addressed, the public must be protected against this seriously impaired physician, and we must strongly oppose the restoration of this license to practice medicine.

The Committee noted that the Office of Professional Medical Conduct (OPMC) of the New York State Department of Health determined that Dr. Pel had violated the conditions of her probation and revoked her physician license based upon that violation.

The OPMC did not believe in 1997 that it had sufficient information to conclude that Dr. Pel had satisfied the original probationary conditions. The Committee determined that since Dr. Pel's license was revoked for failure to satisfy specified probationary conditions, she must demonstrate satisfactory compliance with the probationary conditions OPMC determined she had violated. The Committee on the Professions concluded that the determination of satisfactory completion of the conditions must be made by OPMC, the same body that determined she had violated the probationary conditions and revoked her license. Further, the Committee concluded that OPMC must determine what, if any, additional conditions Dr. Pel must satisfy before the Committee on the Professions will make a final recommendation on her restoration application. Dr. Pel and OPMC were notified of the Committee's decision. With the permission of Dr. Pel, the letters from Dr. Stein and Dr. Schuster were shared with OPMC.

OPMC notified Dr. Pel that they were recommending to the State Education Department that her application for restoration be supplemented by an independent, in-depth psychiatric and neurologic evaluation, records documenting test results to evaluate current fitness and clinical competence, and evidence of treatment that addresses her condition. OPMC notified the Committee on the Professions that it had sent Dr. Pel details of its recommendation and opined that the letters from Dr. Schuster and Dr. Stein were inadequate to determine if Dr. Pel is fit to return to the practice of medicine. OPMC indicated that any decisions regarding Dr. Pel should be made by the Education Department. Dr. Pel wrote to the Committee, opining that she felt she had fulfilled the conditions established by the Committee for the psychiatric evaluation. She forwarded a letter, dated July 26, 2001, from Dr. Filiaci, stating, "...I am and was familiar with Dr. Pel's disciplinary order and her psychiatric history. I gave testimony in March of 1999 and made clear that I knew her past history from the legal and psychiatric point of view." Additionally, he stated, "I also agree with the other two Psychiatrists, Dr. H. Stein and Dr. C. L. Schuster that Dr. S. Pel is fit to work and her license should be restored." The Committee also received a letter, dated April 12, 2003, from Dr. Stein indicating that he saw Dr. Pel again in April 2003 and, after meeting with her, concluded that his findings were the same as they were in June 2000 except that he found her "less depressed about her circumstances, with greater energy to attempt to salvage what she can at this time." He stated, "I could find no evidence of a psychiatric disorder that would disable her from practicing medicine."

Dr. Pel wrote to the Committee, stating that she felt she had satisfied the conditions established by the Committee on the Professions to determine if she was fit to practice medicine at this time. She indicated that she received two independent evaluations from Board-certified psychiatrists, approved by the Executive Secretary of the State Board for Medicine, even though only one was required. She pointed out that both of these psychiatrists stated that she was fit to practice medicine and that Dr. Stein met with her again in 2003 and reaffirmed his evaluative conclusion that she was fit to practice. Additionally, she pointed out that she felt she had met the conditions of her original probationary terms as she had been seeing Dr. Seelye and Dr. Filiaci and that both of them indicated that she was fit to practice. Dr. Pel also stated that she felt she would not have violated the original probationary terms if she did not have to leave the

United States suddenly to transport her semiconscious father from India to England to receive medical assistance. She indicated that she later had to work in the Middle East to earn enough money to return to the United States. Additionally, Dr. Pel provided the Committee with documentation of additional continuing medical education coursework and her attendance at Grand Rounds at New York University Medical School in the Department of Obstetrics and Gynecology from June 2001 through June 2002 and from January 2003 through December 2003.

The overarching concern in all restoration cases is the protection of the public. Education Law § 6511 gives the Board of Regents authority to make the final decision regarding restoration of a license to practice as a physician in New York State. Section 24.7(2) of the Rules of the Board of Regents charges the Committee on the Professions (COP) with submitting a recommendation to the Board of Regents on restoration applications. Although not mandated in law or regulation, the Board of Regents has instituted a process whereby a Peer Committee meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct so grievous and serious that it resulted in the loss of licensure. There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept as valid whatever is presented to it by the petitioner but to weigh and evaluate all of the evidence submitted and to render a determination based upon the entire record.

The COP finds that Dr. Pel has presented a compelling case for the restoration of her license at this time. The COP notes that, with respect to the original conduct that caused disciplinary proceedings to be instituted against Dr. Pel, neither the Board of Regents nor the Department of Health moved to revoke Dr. Pel's license. Rather, she was placed on probation the terms of which included counseling with progress reports to the Department. Dr. Pel's license was revoked only because she failed to adhere to these probationary conditions. Dr. Pel explained that she started seeing a psychiatrist, but had to leave New York State suddenly to help transport her semiconscious father from India to England and to then assist in his care. Subsequently, she reported that she had to practice medicine in the Middle East to earn enough money to return to the United States. Consequently, she indicated that she was unable to satisfy the probationary conditions.

The psychiatrists who had treated and/or evaluated Dr. Pel over the years, including two approved by the Department, have all found that Dr. Pel is fit to practice. None has opined that Dr. Pel suffers from any condition that impairs her ability to practice competently. Dr. Seelye stated on November 29, 1995 that he had been seeing Dr. Pel for six years and supported her application for restoration. In another letter, dated February 3, 1997, he stated that he saw Dr. Pel on "several occasions over the past several years" and felt that her "Immigrant Reaction" of extreme tension and anxiety would not adversely affect her ability to practice her medical specialty. Dr.

Filiaci wrote on January 11, 1997 to support her application for restoration and reported that he had been seeing Dr. Pel twice a week since June 1996. He stated that he felt she had professional social stressors and was "fit to return to normal duties as a physician." Dr. Filiaci wrote again on March 8, 1999 and stated he had seen Dr. Pel about 30 times since submitting his first report. He indicated that he felt she was ready to return to her duties as a physician. In letters, dated September 29 and November 9, 1999, Dr. Filiaci stated that he had continued to see Dr. Pel once a week or twice a month and that after the Peer Committee meeting, Dr. Pel met with him weekly. He stated that he felt that her "great improvement in cognition and emotional status makes pharmacological interventions irrelevant at that time." He reiterated that he felt she was fit to return to work as a physician.

Dr. Stein, a Board-certified psychiatrist, approved by the Executive Secretary of the State Board for Medicine, reported on June 3, 2000 that he met with Dr. Pel and did not see any evidence of a disabling illness or psychosis and felt that her problems may have been related to cultural adjustment. He stated that he felt she was fit to practice. Dr. Schuster stated that she met with Dr. Pel on June 6, 2000 and opined that she felt Dr. Pel had "Adult Situational Reaction with Mild Depression." She indicated that she could see no reason why Dr. Pel's license should not be restored. Both pre-approved psychiatrists concluded that she was fit to practice. On July 26, 2001, Dr. Filiaci wrote again that he was familiar with Dr. Pel's disciplinary order and her psychiatric history when he testified on her behalf – concerns raised by the Office of Professional Medical Conduct (OPMC). He stated that he agreed with Dr. Stein and Dr. Schuster that she was fit to practice medicine. Dr. Stein met with Dr. Pel again in April 2003 and stated that he saw no evidence of paranoia. He reported that he felt that she was less depressed regarding her circumstances and said that he saw no evidence of a psychiatric disorder that would disable her from practicing medicine.

In obtaining and submitting the psychiatric reports, Dr. Pel adhered to the parameters COP established for her. One of the psychiatrists, Dr. Stein, met with Dr. Pel again in 2003 and reaffirmed his original conclusion that she was fit to practice. Since both of these psychiatrists are Board-certified in psychiatry and licensed to practice medicine in New York State, the COP has no basis for concluding that they did not do the necessary testing and evaluation necessary to make the determination that Dr. Pel was fit to practice, based upon their expertise and standards of professional practice. The COP notes that the statements of Dr. Seelye and Dr. Filiaci reflect that Dr. Pel was meeting with a psychiatrist from 1989 through 1999 on a regular basis. The COP finds that Dr. Pel did present compelling documentation that she has no mental impairment and is currently fit to practice medicine in New York State.

Nonetheless, the COP believes that Dr. Pel's reentry into the practice of medicine should be monitored. Although she has participated in Grand Rounds, the COP notes that she has not practiced medicine for a number of years. To help ensure the protection of the public the COP recommends that she complete a retraining course or supervised practice program in obstetrics and gynecology, as approved by OPMC, before practicing in that specialty area. Also, the COP recommends that she practice

only in a supervised setting during a probationary period and be prohibited from practicing obstetrics and gynecology until OPMC verifies she has completed the retraining course or supervised practice program. Additionally, the COP believes that Dr. Pel should continue meeting during a probationary period with a psychiatrist, approved by OPMC, and that the psychiatrist should issue quarterly reports to OPMC on Dr. Pel's fitness to practice. OPMC shall establish the parameters for the psychiatric reports.

Therefore, after a complete review of the record and its meeting with her, the Committee on the Professions voted unanimously to recommend that the order of revocation of Dr. Pel's license to practice as a physician in New York State be stayed for three years, that she be placed on probation for three years under specified terms attached to this report and labeled as Exhibit "B," and that upon satisfactory completion of the probationary period, her license be fully restored.

Johanna Duncan-Poitier, Chair

Frank Muñoz

Kathy A. Ahearn

Leslie Templeman

EXHIBIT "A"

**TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS**

SATWANT KAUR PEL

1. That the applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing the applicant's profession;
2. That the applicant shall submit written notification to the Director, Office of Professional Medical Conduct (OPMC), New York State Department of Health, Suite 303, 4th Floor, Hedley Park Place, 433 River Street, Troy, NY 12180-2299, of any employment and/or practice, applicant's residence, telephone number, and mailing address and of any change in the applicant's employment, practice, residence, telephone number, and mailing address within or without the State of New York;
3. That the applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that the applicant has paid all registration fees due and owing to the NYSED and the applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by the applicant to the Department of Health (DOH), addressed to the Director, OPMC, as aforesaid, no later than the first three months of the period of probation;
4. That the applicant shall submit written proof to the DOH, addressed to the Director, OPMC, as aforesaid, that 1) the applicant is currently registered with the NYSED, unless the applicant submits written proof that the applicant has advised DPLS, NYSED, that the applicant is not engaging in the practice of the applicant's profession in the State of New York and does not desire to register, and that 2) the applicant has paid any fines which may have previously been imposed upon the applicant by the Board of Regents or pursuant to section 230-a of the Public Health Law, said proof of the above to be submitted no later than the first two months of the period of probation;
5. That the applicant shall satisfactorily complete a retraining course or supervised practice program in obstetrics and gynecology before practicing in that specialty area, said course or program to be approved and monitored by the Director, OPMC;

6. That during the period of probation the applicant shall practice medicine only in a supervised setting, such as a facility licensed by New York State, where close practice oversight is available on a daily basis and where quality assurance and risk management protocols are in effect. Applicant shall not practice medicine until the supervised setting proposed by Applicant is approved, in writing, by the Director of OPMC. Applicant shall propose an appropriate supervisor or administrator in all practice settings, who shall be subject to the written approval of the Director of OPMC and who shall submit written reports to OPMC every six months regarding Applicant's overall quality of medical practice;
7. That during the period of probation the applicant shall, at applicant's expense, meet with and receive treatment from a psychiatrist, selected by applicant and previously approved, in writing, by the Director of OPMC, and the applicant shall, once every three months during the period of probation, submit a report, in compliance with the parameters established by the Director of OPMC, from said psychiatrist to the Director of OPMC, in which said psychiatrist shall state whether or not respondent is fit to practice as a physician in the State of New York. If any information is received by OPMC indicating that the applicant is unfit to practice medicine in the State of New York, such information shall be processed by OPMC to determine if it should initiate a violation of probation proceeding;
8. That the applicant shall make quarterly visits to an employee of the OPMC, DOH, unless otherwise agreed to by said employee, for the purpose of said employee monitoring the applicant's terms of probation to assure compliance therewith, and the applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring; and
9. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the OPMC may initiate a violation of probation proceeding.



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X

In the Matter of the Application of

SATWANT KAUR PEL

REPORT OF
THE PEER
COMMITTEE
CAL. NO. 17461

for the restoration of her license to
practice as a physician in the State of
New York.

-----X

Applicant, Satwant Kaur Pel, was authorized to practice as a
physician in the State of New York by the New York State Education
Department.

PRIOR DISCIPLINE PROCEEDING

In January 1990, applicant was charged with practicing while
impaired by mental disability. The Hearing Committee concluded
that applicant's irrational statements to personnel of two
facilities in which she worked evidenced that she was suffering
from delusions. The Regents Review Committee agreed with the
Hearing Committee that applicant be found guilty of practicing
while impaired. In February 1990, applicant was served with an
Order of the Commissioner of Education, which suspended her
license for three years, stayed the last two years and placed her
on probation for three years. The terms of probation required

that applicant submit to an examination and any necessary treatment by a psychiatrist, and that the psychiatrist report quarterly whether or not applicant is fit to practice as a physician in the State of New York.

A Hearing Committee of the Office of Professional Medical Conduct revoked applicant's medical license, effective November 14, 1994, as a result of her violating the terms of probation. It was concluded that, among other things applicant failed to submit to an examination and to any necessary treatment by a psychiatrist approved, in writing, by the Office of Professional Medical Conduct and submit quarterly reports regarding same.

The Hearing Committee found, based on the testimony of an expert, Dr. Howard Hess, that applicant "has been and continues to be delusional." Dr. Hess testified that applicant was still suffering from paranoid delusions and her judgment was still impaired. There was overwhelming evidence of delusional thinking and extreme paranoia. The Hearing Committee concluded that applicant had clearly and willfully violated the terms of her probation. Applicant herself had indicated at the hearing that she would not commit to undergo psychiatric treatment if the Hearing Committee ordered her to do so.

The Administrative Review Board (ARB) of the Office of Professional Medical Conduct sustained the Hearing Committee Determination finding applicant guilty of a violation of her 1990 probation and unanimously sustained the Hearing Committee's Determination to revoke her license. They found that applicant's

non-compliance was clear and willful and that she remains impaired. The ARB concluded that applicant was "unable to practice medicine in her impaired state" and that "she is unwilling to undergo treatment."

THE APPLICATION

On March 17, 1997 applicant petitioned for the restoration of her license to practice as a physician in the State of New York.

Applicant states that at the time of this petition she is no longer suffering mental impairment and is fully fit and competent to return to the practice of medicine.

Applicant recognizes that some of the letters she submitted are not current nor are they all in the appropriate format. The reason for that is that during the last several years applicant never stayed in one place more than one month because of her financial situation. She lived in youth hostels or in a rental car while she was looking for jobs in other states and in New York. Therefore, applicant had no ongoing relation with anybody to give her references. Applicant did light laborer work for a short time from November 1995 to May 1996. Then applicant was on public assistance. Applicant then got an apartment in October 1996 and started attending Grand Rounds, conferences, and labor and delivery ward rounds at Beth Israel Hospital and Beekman Downtown Hospital. The Directors of the departments of obstetrics and gynecology from these hospitals have given applicant references. Applicant states she is going to continue these efforts in the future.

Applicant goes on to say that she is a political refugee from Uganda, a fact which has seriously affected her by making her live a nomad's life. Applicant states she was destitute at the time of her probation and could afford to see only Dr. Seelye.

Applicant continues, saying that her father took ill in September 1990 and she had to travel to England to be with him until his death in 1993. She says she informed the Education Department and the Health Department of her whereabouts by phone at regular intervals during her stay in England, but this information was excluded from her file.

PEER PANEL REVIEW

On March 12, 1999, the Peer Panel met to review the application in this matter. Applicant appeared and was represented by William L. Wood, Jr., Esq. The Department was represented by Stephen Lazzaro, Esq.

The Chairperson opened the meeting by stating that the Peer Panel had read the full application and all supporting documentation before the meeting.

The parties did make opening statements. Applicant then presented three documents (see transcript, pp. 20-23) which are made a part of the material herein.

Applicant called Dr. Carlo Filiaci, a board certified psychiatrist, as her first witness. Dr. Filiaci first met applicant in January 1996. Dr. Filiaci diagnosed applicant as experiencing adjustment disorder with mixed emotion, depression and paranoia. He said applicant is also suspicious and very

sensitive as a result of her experiences in this country. He said that at the end of 1996 applicant was developing quite well. Applicant told Dr. Filiaci that she was never delusional. Dr. Filiaci continued to work with applicant through 1997 and 1998 and was still seeing her at the time of the meeting herein. He believes applicant has gained some insight into her personality through psychotherapy. While applicant sometimes vacillates in her attitude toward treatment, Dr. Filiaci thinks she is better. However, he also thinks applicant needs continued care under a psychiatrist.

Under questioning by Mr. Lazzaro, Dr. Filiaci stated that applicant had told him that people were after her, trying to frame her. She said these people were from the state. Upon further questioning he stated that on a number of occasions he suggested to applicant that she try medication (HALDOL) because he believed it would help her. Applicant always refused to try medication.

Under panel questioning Dr. Filiaci stated that applicant had no close family members in this country for a support system. He stated that applicant needs long term support and psychotherapy. He said a return to the practice of medicine would help applicant and would not be a danger to patients but that she could be very difficult with her peers and hospital staff. Upon further questioning, Dr. Filiaci conceded that if applicant would, by her behavior toward her peers and hospital staff, foster an environment of suspicion, hostility and paranoia, that this could have an adverse effect on patient care.

Applicant then spoke to the panel. During the course of her testimony applicant had to be cautioned a number of times to answer the question asked of her and to not digress and go off into other areas.

Under questioning by Mr. Wood applicant stated that after working in England for a substantial period of time she came to this country and because of her background was able to take the FLEX exam in 1985 without doing a residency. She stated that her colleagues at Bronx Lebanon Hospital resented this and isolated her and this was the source of all the problems she had in the eight months she was there.

She said once her license was suspended she had no money and no address. She used her credit card to survive and lived in her car and stayed in restrooms on the highway.

When applicant's father became ill she got a credit card from England with a 5,000 pound credit limit. Applicant used this to go to India and bring her father to England for care until he died two years later. She then went to Saudi Arabia for one year and worked as a physician which allowed her to pay off her debts and have \$2,000.00 with which she returned to the United States in December of 1994.

Applicant said that she had tried to call the New York State Health Department and the New York State Education Department while she was away and had gotten through twice. When she got back to the United States she again called New York State and was told to see a psychiatrist, so she saw Dr. Seelye.

Applicant then went through the Violation of Probation proceeding and her license was revoked. She could not get licensed in another State and she could not go back to England so she went on public assistance and got a place to live.

Upon further questioning by Mr. Wood regarding Dr. Filiaci, applicant stated that she wanted to see as many psychiatrists as possible to show that she was not delusional or paranoid at Bronx Lebanon Hospital, but that jealous colleagues had made her life difficult there. She said that she had refused to take the medication that Dr. Filiaci recommended. She said she had been seeing Dr. Seelye for ten years.

Applicant went on to say that she would work in a group practice if restored to licensure and would get psychiatric care if directed by the panel.

Applicant stated she did not refuse to see a psychiatrist at the Violation of Probation proceeding, but merely declined to respond to a hypothetical question.

Applicant stated that while most hospitals refused to allow her to do Grand Rounds, Beth Israel did allow it. She also attended Grand Rounds at Downstate Medical Center and New York Hospital for a time.

Upon questioning by Mr. Lazzaro applicant stated that she believes the revocation of her license was unjust and that the witnesses twisted things to make her look bad. She reiterated that the problem at Bronx Lebanon Hospital was that she was resented because she got her license without doing a residency.

She resigned because the staff was uncooperative.

Applicant went on to say that she never said the FBI was following her or that the elevator was intentionally not stopping at her floor.

Questioned about the Yonkers Medical and Dental Center applicant said she does not remember complaining that people were listening to her at home or watching her in the shower. She did say that she was getting harassing phone calls like many other people do. She said she did not believe the Jewish Community was against her.

Applicant, on further questioning by Mr. Lazzaro, vacillated as to whether she was seeing Dr. Filiaci as a friend and colleague or as a patient. She repeated that she did refuse to take medication. In that regard the following interaction took place:

"Q. In your heart of hearts, doctor, and you are under oath, remember you are under oath, in your heart of hearts do you feel that you need psychiatric care?

A. I am a fit person. Even if you give me a license tomorrow and I go in an office, I can work at 100 percent as an obstetrician and a gynecologist. I have that much confidence even now.

Q. Dr. Pel, when you were practicing medicine, you would sometimes recommend medicines to your patients; is that correct?

A. Not sometimes. Always because it is the patient. She comes to me because she is sick.

Q. Isn't that the point? Do you think that is why Dr. Filiaci recommended Haldol to you because you were a patient?

A. He thinks that I am a patient, yes. I knew what Haldol is. I am a doctor. I know what it is.

Q. Do you have any training

A. I know it won't help me.

Q. Do you have any training in psychiatry?

A. Yes, I have to tell you the truth. I used to go to the library. I started going to the library in Beth Israel. I used to spend twelve hours in the hospital. When I was a medical student, I worked in the psychiatric unit.

Q. That is normal medical training in medical school?

A. Yes, the basics.

Q. You are not a treating psychiatrist?

A. I'm a specialist, but I can treat a psychiatric patient. In OB/GYN I have close contact with psychiatrists.

Q. In the light of your recent statement, you can practice psychiatry?

A. Yes, I can...

Q. Are there any other specialties or subspecialties that you can practice right now?

A. Anesthesia."

When asked if she could also be on internist, applicant stated "I can do surgery".

Applicant then told Mr. Lazzaro that she called New York

State rather than sending letters because letters get lost and telephone calls do not. She said she sent a letter and it got lost. (Applicant had told the Health Department she had sent them a registered letter when she had actually sent it to the Education Department) After some questioning about whether applicant had been seeing Dr. Seelye as a patient or to get his advice as a colleague or friend, applicant stated that she had been seeing Dr. Seelye as a patient.

Upon questioning by the panel applicant restated her opinion that her trouble at Bronx Lebanon Hospital was due to a pattern of negative treatment by her co-workers.

Applicant went on to say that she does not think that she is an impaired physician now nor was she when her license was revoked and that Dr. Seelye and Dr. Filiaci agree with her.

In response to further questioning, applicant stated that if she does not get her license back she "will be absolutely doomed".

Upon further questioning applicant stated that she recognized the Peer Panel's authority to make a determination in this matter but she did not want to say if she thought the process was fair or not.

Applicant is now on home relief. Applicant stated that she had tried other areas of employment but none had worked out for her. She finds manual labor humiliating.

In closing Mr. Lazzaro said that, while he has empathy for applicant's situation, the Department opposes restoration of licensure.

Mr. Wood closed by saying that applicant had no need to demonstrate remorse because having been mentally impaired was not applicant's fault. He said applicant has good continuing education credits and has been in rehabilitation with Dr. Seelye and Dr. Filiaci and should be given a chance.

RECOMMENDATION

Two panel members recommend that the application herein not be granted and that the revocation of applicant's license to practice medicine in the State of New York not be stayed.

While we sympathize with applicant we cannot say that she might not possibly be a danger to patients because she does not recognize that she has an illness. We believe that any disparaging remarks made to applicant while working as a physician could well lead to an incident. Applicant at times seemed to have a grandious view of herself. While she says she can not do menial work she believes that she is capable, right away, of doing OB-GYN, psychiatry, anesthesia and surgery. In applicant's view restoration of her license is the solution to her problems. In our view, restoration of licensure comes about after applicant has solved her problems. While we recognize that applicant need not show remorse for her initial impairment we believe she may have to show remorse for her failure to comply with her probation terms. Applicant could have done much better in that regard.

One Panel member recommends that applicant be given another chance at probation under strict provisions for five years. These provisions should include continued psychiatric care with

quarterly reports to the Department and a residency or fellowship for one year followed by strict supervision in a structured work environment with quarterly reports to the Department.

Respectfully submitted,

David Harris, M.D., Chairperson
John Cordice, M.D.
Delores Riggins, Public Member.

David Harris M.D. September 22, 1999
Chairperson Dated