



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

June 25, 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Arun Sirohi, M.D.
145 Sherwood Drive
Ramsey, New Jersey 07445

Marvin L. Tenzer, P.C.
305 Broadway
New York, New York 10087

Paul Stein, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza - Sixth Floor
New York, New York 10001-1810

EFFECTIVE DATE JULY 2, 1993

RE: In the Matter of Arun Sirohi, M.D.

Dear Dr. Sirohi, Mr. Tenzer and Mr. Stein:

Enclosed please find the Determination and Order (No. ARB-92-96R) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
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 than 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)].

Very truly yours,

Tyrone T. Butler nam

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nam
Enclosure

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

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IN THE MATTER	:	<u>ADMINISTRATIVE</u>
	:	<u>REVIEW BOARD</u>
OF	:	<u>DETERMINATION</u>
	:	<u>AND ORDER</u>
ARUN SIROHI, M.D.	:	<u>ARB NO.92-96R</u>

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Following initial deliberations in this case on January 20, 1993, the Administrative Review Board for Professional Medical Conduct (hereinafter the "Review Board") remanded this case to the Professional Medical Conduct Hearing Committee (hereinafter the "Hearing Committee") which issued the Determination and Order for which the parties requested the Administrative Review. The Review Board instructed the Hearing Committee to issue a Supplemental Determination discussing the Hearing Committee's reasons for voting to censure and reprimand Dr. Arun Sirohi for professional misconduct. The Hearing Committee issued their Supplemental Determination on April 15, 1993.

The Review Board, consisting of **ROBERT M. BRIBER**, **MARYCLAIRE B. SHERWIN**, **EDWARD C. SINNOTT, M.D.** and **WILLIAM A. STEWART, M.D.**¹ held additional deliberations in this case on May 3, 1993 to review the entire record from the hearing, the briefs submitted by the parties prior to the January deliberations and the April 15, 1993 Hearing Committee Supplemental

¹ Winston S. Price, M.D. did not participate in the additional deliberations in this case since he did not take part in the initial deliberations.

Determination. **James F. Horan, Esq.** served as Administrative Officer to the Review Board.

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 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

In their October 29, 1992 Determination and Order, the Hearing Committee found the Respondent guilty of negligence on more than one occasion, incompetence on more than one occasion and failure to maintain adequate medical records. The sustained charges involved three patients who were designated in the charges and at the hearing as Patients A, C & D. The Hearing Committee voted to censure and reprimand the Respondent, but did not explain their reason for imposing that penalty.

The Office of Professional Medical Conduct (OPMC) asked the Review Board to modify the Hearing Committee's Determination and Order, reinstate charges which the Hearing Committee dismissed concerning ordering excessive medical tests and impose as a penalty, a stayed suspension, probation with monitoring and a fine. The Respondent asked the Review Board to overturn the charges which the Hearing Committee sustained and overturned the penalty which the Hearing Committee imposed.

SUPPLEMENTAL HEARING COMMITTEE DETERMINATION

At Page 6 of the Hearing Committee's Supplemental Determination, the Hearing Committee sets out their reason for the censure and reprimand penalty in this case. The Committee notes that they sustained none of the seven charges that the Respondent performed excessive tests, that they sustained only four of thirty-six charges of negligence on more than one occasion, four of thirty-seven charges of incompetence on more than one occasion and three of twenty-five charges of failing to maintain adequate records. The Hearing Committee found that the Respondent's negligence and incompetence were restricted to three incidents: the failure to follow up a low platelet count for Patient A and a failure to perform a rectal examination or examine stools for Patients C and D, despite their chief complaints of ulcer disease. Given the relative weight of these findings, the Committee felt that a censure and reprimand was an appropriate penalty.

REVIEW BOARD DETERMINATION

The Review Board has considered the entire record below, the briefs which counsel have submitted and the Hearing Committee's Supplemental Determination.

The Review Board votes unanimously to amend the Hearing Committee's Determination and Order by adding the Hearing Committee's Supplemental Determination.

We vote to sustain the Hearing Committee's Determination and Order that the Respondent committed negligence on more than one occasion and incompetence on more than one occasion in the above mentioned treatment of Patients A, C and D and that the Respondent maintained inadequate medical records. We further sustain the Hearing Committee's Determination and Order to dismiss the remaining charges against the Respondent. The Hearing Committee's determination was consistent with their findings and conclusions.

The Review Board votes unanimously to sustain the Hearing Committee's Determination and Order to censure and reprimand Dr. Sirohi for this misconduct. We agree with the Hearing Committee that a censure and reprimand is an appropriate penalty due to the limited nature of the charges which the Hearing Committee sustained.

ORDER

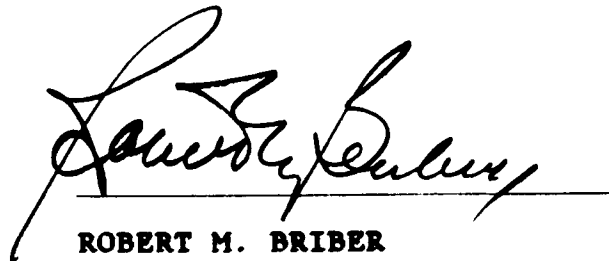
NOW, based upon this Determination, the Review Board issues the following **ORDER**:

1. The Hearing Committee's October 29, 1992 Determination and Order is amended to include its April 15, 199~~3~~ Supplemental Determination;
2. The Hearing Committee's Determination that Dr. Arun Sirohi was guilty of negligence on more than one occasion, incompetence on more than one occasion and maintaining inadequate medical records is sustained; and
3. The Hearing Committee's Determination and Order to censure and reprimand Arun Sirohi, M.D. is **sustained.**

IN THE MATTER OF ARUN SIROHI, 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. Sirohi.

DATED: Albany, New York
May 26, 1993



ROBERT M. BRIBER

IN THE MATTER OF ARUN SIROHI, M.D.

MARYCLAIRE B. SHERWIN, a member of the Administrative Review Board for Professional Medical Conduct, concurs in the Determination and Order in the Matter of Dr. Sirohi.

DATED: Albany, New York

May 25, 1993

Maryclaire B. Sherwin

MARYCLAIRE B. SHERWIN

IN THE MATTER OF ARUN SIROHI, 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. Sirohi.

DATED: Albany, New York

May 25, 1993

A handwritten signature in black ink, appearing to read "Edward C. Sinnott", written over a horizontal line.

EDWARD C. SINNOTT, M.D.

IN THE MATTER OF ARUN SIROHI, 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 Arun Sirohi, M.D.

DATED: Albany, New York

10 June , 1993

William A. Stewart

WILLIAM A. STEWART, M.D.