



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

September 17, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Steven J. Masef, Esq.  
NYS Department of Health  
5 Penn Plaza - Sixth Floor  
New York, New York 10001

Satyewara K. Sarode, M.D.  
1445 US Highway 130  
Great Neck, New York 11021

**RE: In the Matter of Satyewara Krishnappa Sarode, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 98-216) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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), "the 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 penalties **other than suspension or revocation** 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.

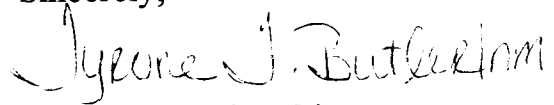
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

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

**IN THE MATTER**  
**-OF-**  
**SATYESWARA KRISHNAPPA SARODE, M.D.**  
**Respondent**

**COPY**  
DETERMINATION

AND

ORDER

BPMC-98-216

A Notice of Referral Proceeding and Statement of Charges, dated June 22, 1998, was served upon the Respondent, Satyeswara K. Sarode, M.D. **CAROLYN SNIPE**, (Chair), **LINDA LEWIS, M.D.** and **ROBERT SCHILLER, M.D.** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee (hereinafter the Committee) in this matter pursuant to Section 230(10)(e) of the Public Health Law. **JEFFREY W. KIMMER, ESQ., ADMINISTRATIVE LAW JUDGE**, served as the Administrative Officer. The Department of Health appeared by Steven J. Masef, Esq., Assistant Counsel. The Respondent appeared Pro Se. Evidence was received, statements were heard and transcripts of these proceedings were made.

After consideration of the entire record, the Committee issues this Determination and Order.

## STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). This statute provides for an expedited proceeding where a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon prior professional disciplinary action or criminal conviction. The scope of this expedited proceeding is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee. In the instant case, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(d) (disciplinary action taken against the license by another state).

The charges herein arise from Respondent entering into a Consent Order with the State of New Jersey, State Board of Medical Examiners (hereinafter the New Jersey Board), wherein he did not contest the finding by the New Jersey Board that he failed to make full disclosure and made false statements on an application for hospital privileges. The allegations in this proceeding are more particularly set forth in the Statement of Charges, a copy of which is attached to this Determination and Order as Appendix One.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parentheses refer to exhibits. These citations represent evidence found persuasive by the Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Satyeswara K. Sarode, M.D.(hereinafter, "Respondent"), was licensed to practice medicine in New York State on July 2, 1990 by the issuance of license number 182554 by the New York State Education Department. (Ex. 2).

2. On or about September 13, 1997, Respondent entered into a Consent Order wherein he was found to have made material omissions of information and misstatements of fact within an application for hospital privileges with St. Peter's Medical Center. (Ex. 3)

3. The State of New Jersey assessed a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) against the Respondent. (Ex. 3)

### **CONCLUSIONS OF LAW**

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Committee concluded that the Department has sustained its burden of proof in this matter. The preponderance of the evidence demonstrates that Respondent had disciplinary action taken or had his application for a license refused by a professional disciplinary agency of another state. The underlying conduct which was the basis for the action by New Jersey would constitute professional misconduct in New York. Specifically, the Committee found the Respondent's actions would fall within the definitions of misconduct set forth at N.Y. Education Law §6530(2) (Practicing the profession fraudulently), N.Y. Education Law §6530(14) (Violating §2805-k of the

Public Health Law), N.Y. Education Law §6530(20) (Conduct which evidences moral unfitness) and N.Y. Education Law §6530(21) (willfully making or filing a false report).

### **DETERMINATION AS TO PENALTY**

The Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, unanimously determined that Respondent's license to practice medicine in New York State should be **revoked**. This determination was reached upon due consideration of the full spectrum of penalties available pursuant to statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties.

The Committee views the fraud committed by the Respondent to be of the utmost seriousness. The Respondent admitted he signed the Consent Order and understood its meaning. Nor did the Respondent provide any evidence to refute the finding in that Order. There were three separate acts of either material omission or misstatement. The Committee views such conduct as evidence of a lack of moral fitness for the practice of medicine. It is the Committee's duty to protect the consumers of medical services of this state. The practice of medicine is a privilege to be bestowed on those who warrant it. The Respondent has showed that he does not possess the necessary good moral character to be allowed to exercise this privilege. The Committee unanimously determined that a person capable of such conduct should not be afforded

the privilege of practicing medicine in New York and that revocation is the only appropriate sanction under the circumstances.

**ORDER**

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

1. The Specification of professional misconduct, as set forth in the Statement of Charges (Appendix I) is **SUSTAINED**;
2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED**.

**DATED: New York, New York**

*September 17, 1998*

*Carolyn C. Snipe*

---

**CAROLYN SNIPE (CHAIR)**

Linda Lewis, M.D.  
Robert Schiller, M.D.

**TO: Steven J. Masef, Esq.**  
Assistant Counsel  
New York State Department of Health  
5 Penn Plaza - 6th Floor  
New York, New York 10001

**Satyewara K. Sarode, M.D.**  
1445 US Highway 130  
Great Neck, New York 11021



## **APPENDIX I**

IN THE MATTER  
OF  
SATYESWARA KRISHNAPPA SARODE, M.D.

STATEMENT  
OF  
CHARGES

Satyeswara Krishnappa Sarode, M.D., the Respondent was authorized to practice medicine in New York State on or about July 2, 1990, by the issuance of license number 182554 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. In a Consent Order dated September 13, 1997, the New Jersey Board of Medical Examiners ("Board") found cause existed to impose discipline upon Respondent pursuant to N.J.S.A. 45: 1-21(b). The aforesaid statute provides as follows "A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license: Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense". The Board found that Respondent made material omissions of information and misstatements of fact within an application he filed for privileges with St. Peter's Medical Center in that he failed to disclose material information concerning residency training received at Sinai Hospital in Detroit, Michigan, he failed to disclose that he had been denied privileges at St. Vincent's Hospital in Staten Island, New York, and he falsely stated that he was affiliated with Robert Wood Johnson Hospital when in fact Respondent

was not so affiliated. As a result of the foregoing, the New Jersey Board reprimanded Respondent and assessed a civil penalty of \$2,500.00 against him.

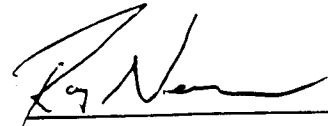
### **SPECIFICATION OF CHARGES**

#### **SPECIFICATION HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp. 1998) having his license to practice medicine revoked, suspended or having other disciplinary action taken where the conduct resulting in said disciplinary action would if committed in New York State, constitute professional misconduct under the laws of New York State (namely N.Y. Educ. Law §6530(2) Practicing the profession fraudulently or beyond its authorized scope; §6530(14) Violating §2805-k of the Public Health Law; §6530(20) Conduct in the practice of medicine which evidences moral unfitness to practice medicine and §6530(21) willfully making or filing a false report) as alleged in the facts of the following:

1. Paragraph A.

DATED: June 22 1998  
New York, New York



---

ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct