



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Public

May 2, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sumathi Paturu, M.B.B.S.
401 19th Street, Apt. 308
Birmingham, Alabama 35233-1934

Robert Bogan, Esq.
NYS Department of Health
Hedley Building – 4th Floor
433 River Street
Troy, New York 12180

RE: In the Matter of Sumathi Paturu, M.B.B.S.

Dear Parties:

Enclosed please find the Determination and Order (No.07-96) 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 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.

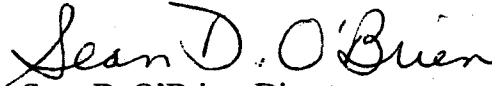
The notice of review served on the Administrative Review Board should be forwarded to:

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,


Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah

Enclosure

IN THE MATTER
OF
SUMATHI PATURU, M.B.B.S.

DETERMINATION

AND

ORDER

BPMC 07-96

A hearing was held on April 18, 2007, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding, dated July 5, 2006, and a Statement of Charges, dated June 30, 2006, were served upon the Respondent, **Sumathi Paturu, M.B.B.S.** Pursuant to Section 230(10)(e) of the Public Health Law, **Andrew J. Merritt, M.D.**, Chairperson, **Michael D. Merrill, M.D.**, and **Ms. Ann Ford Fricke**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **John Wiley, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent did not appear at the hearing, either in person or by counsel.

Evidence was received and transcripts of these proceedings were made.

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

BACKGROUND

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when 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 a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(d). Copies of the Commissioner's Order and Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: None

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. All Hearing Committee findings were unanimous.

1. Sumathi Paturu, M.B.B.S., the Respondent, was authorized to practice medicine in New York State on November 8, 1994, by the issuance of license number 197793 by the New York State Education Department (Petitioner's Ex. 4).

2. On June 6, 2006, the Medical Licensure Commission of Alabama ("Alabama Board"), by an Order ("Alabama Order"), revoked the Respondent's license to practice medicine, based on her failure to comply with an order of the Alabama Board to authorize the release of a psychiatric evaluation that had been ordered by the Alabama Board, a

violation of Alabama Code Section 34-24-360(19)e, and based on her refusal to appear before the Alabama Board after receiving a formal request to do so, a violation of Alabama Code Section 34-24-360(16) (Petitioner's Ex. 5).

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct of the Respondent would constitute professional misconduct under the laws of New York State, had the conduct occurred in New York State, pursuant to:

- New York Education Law Section 6530(15) - "Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law;"

- New York Education Law Section 6530(16) - "A willful or grossly negligent failure to comply with substantial provisions of federal, state or local laws, rules, or regulations governing the practice of medicine;" and

- New York Education Law Section 6530(29) - "Violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law..."

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

"Respondent violated New York Education Law Section 6530(9)(d) by having had her license to practice medicine revoked, where the conduct resulting in the revocation would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge ruled that the Petitioner had met the requirements of law regarding service of the Commissioner's Order and Notice of Referral Proceeding and the Statement of Charges on the Respondent, that jurisdiction had been obtained by the Petitioner over the Respondent, and that the hearing could proceed on the merits despite the Respondent's absence.

The Alabama Order held that the Respondent had refused to sign a release to turn over to the Alabama Board the results of a psychiatric examination that had been ordered by the Alabama Board. The Alabama Order also held that the Respondent had failed to appear before the Alabama Board despite having been ordered to do so. The Respondent's acts, had they occurred in New York State, would have constituted professional misconduct as specified in the Hearing Committee Conclusions, above.


Because the Respondent did not appear at the hearing, there is no evidence in the hearing record of mitigating circumstances, rehabilitation or remorse. The Respondent has provided the Hearing Committee with no evidence upon which it can conclude that the Respondent can be trusted to practice medicine in New York State. Under such circumstances, the Hearing Committee has no safe and reasonable option other than to revoke the Respondent's license to practice medicine.

ORDER

IT IS HEREBY ORDERED THAT:

1. The license of the Respondent to practice medicine in New York State is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Marcellus, New York
4/27/07, 2007


Andrew J. Merritt, M.D.
Chairperson

Michael D. Merrill, M.D.
Ann Ford Fricke

APPENDIX I

ORIGINAL



STATE OF NEW YORK
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

DEPARTMENT OF HEALTH

IN THE MATTER

OF

SUMATHI PATURU, M.B.B.S.
CO-06-03-1509-A

COMMISSIONER'S
ORDER
AND
NOTICE OF
REFERRAL
PROCEEDING

TO: SUMATHI PATURU, M.B.B.S.
401 19th Street., Apt. 308
Birmingham, AL 35233-1934

The undersigned, Antonia C. Novello, M.D., M.P.H., Dr.P.H., Commissioner of Health, after an investigation, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that the continued practice of medicine in the State of New York by **SUMATHI PATURU, M.D.**, Respondent, licensed to practice medicine in the State of New York as a physician on November 8, 1994, by license number 197793, has been disciplined by the Alabama State Board of Medical Examiners, for acts which if committed in this state would have constituted the basis for summary action pursuant to New York Public Health Law §230(12).

It is therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately **SUMATHI PATURU, M.D.**, Respondent, shall not practice medicine as a physician in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine as a physician. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230, and New York State Administrative Procedure Act §§301-307 and 401 . The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 16th day of August, 2006, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180, at the offices of the New York State Health Department, and at such other adjourned dates, times and places as the committee may direct. The Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. The Respondent shall appear in person at the hearing and may be represented by counsel. The Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not the Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and, therefore, adjournment requests are not routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of

Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180,
ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION,
and by telephone (518-402-0748), upon notice to the attorney for the Department of
Health whose name appears below, and at least five days prior to the scheduled hearing
date. Claims of court engagement will require detailed affidavits of actual engagement.
Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact,
conclusions concerning the charges sustained or dismissed, and, in the event any of the
charges are sustained, a determination of the penalty or sanction to be imposed or
appropriate action to be taken. Such determination may be reviewed by the
administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION
THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK
STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE
FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN
NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO
OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.**

DATED: Albany, New York

July 5, 2006



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

Inquires should be addressed to:

**Robert Bogan
Associate Counsel
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828**

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

IN THE MATTER
OF
SUMATHI PATURU, M.B.B.S.
CO-06-03-1509-A

STATEMENT
OF
CHARGES

SUMATHI PATURU, M.B.B.S., the Respondent, was authorized to practice medicine in New York State on November 8, 1994, by the issuance of license number 197793 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 1, 2006, the Medical Licensure Commission of Alabama (hereinafter "Alabama Board"), by an Order (hereinafter "Alabama Order"), REVOKED Respondent's license to practice medicine, based on her failure or refusal to comply with an Order of the Alabama Board directing the execution and delivery to the Alabama Board an Authorization and Release form concerning her psychiatric evaluation conducted on January 15, 2006, a violation of Alabama Code Section 34-24-360(19)e, and based on her refusal to appear before the Alabama Board after having been formally requested to do so in writing by the Executive Director of the Alabama Board, a violation of Alabama Code Section 34-24-360(16).

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

1. New York Education Law §6530(15) – Failure to comply with an order issued pursuant to subdivision seven, paragraph (a) of subdivision ten, and subdivision seventeen of section two hundred thirty of the public health law.

2. New York Education Law §6530(16) – A willful or grossly negligent failure to comply with substantial provisions of state laws governing the practice of medicine.

3. New York Education Law §6530(29) – Violating any condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law.

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York State Education Law §6530(9)(d) by having had her license to practice medicine revoked, where the conduct resulting in the revocation would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in Paragraphs A and B.1, B.2, and B.3.

DATED: June 30, 2006
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct