



**STATE OF NEW YORK
DEPARTMENT OF HEALTH**

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

PUBLIC

November 19, 2003

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mani-Manjari Devi, M.D.
30 Third Avenue
Brooklyn, New York 11217

Denise Lepicier, Esq.
NYS Department of Health
Bureau of Professional Medical Conduct
5 Penn Plaza
New York, New York 10001

RE: In the Matter of Mani-Manjari Devi, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 03-316) 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:djh

Enclosure

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

COPY

-----X
IN THE MATTER :
OF :
MANI-MANJARI DEVI, M.D. :
-----X

DETERMINATION

AND

ORDER

BPMC NO. 03-316

A Notice of Hearing and Statement of Charges, dated August 26, 2003, were served upon the Respondent, Mani-Manjari Devi, M.D. STEVEN M. LAPIDUS, M.D. (CHAIR), PHILIP FLORIO, M.D., AND LOIS A. JORDAN, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10) (Executive) of the Public Health Law. LARRY G. STORCH, ADMINISTRATIVE LAW JUDGE, served as the Administrative Officer. The Department of Health appeared by Denise Lepicier, Esq., Associate Counsel. The Respondent failed to appear in person and was not represented by counsel. Evidence was received and witnesses sworn and heard and transcripts of these proceedings were made.

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

PROCEDURAL HISTORY

Date of Service of Notice Of Hearing and Statement of Charges:	September 11, 2003
Answer Filed:	September 15, 2003
Pre-Hearing Conference:	None Held
Hearing Dates:	November 6, 2003
Witness for Petitioner:	Leslie Fisher
Witnesses for Respondent:	None
Deliberations Date:	November 6, 2003

STATEMENT OF CASE

Petitioner has charged Respondent with one specification of professional misconduct. The charges relate to Respondent's alleged failure to comply with an order issued pursuant to Public Health Law §230(7). Respondent denied the allegation.

A copy of the Statement of Charges is attached to this Determination and Order in Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. References in parentheses refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing

Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

1. Mani-Manjari Devi, M.D. (hereinafter "Respondent"), was licensed to practice medicine in New York State on November 14, 1994, by the issuance of license number 197832 by the New York State Education Department. (Ex. 2).

2. By a letter dated September 25, 2002, the Office of Professional Medical Conduct ("OPMC") notified Respondent that a hearing was to be held before a committee on professional medical conduct on November 14, 2002. The purpose of the hearing, held pursuant to Public Health Law §230(7), was to determine whether the committee had reason to believe that Respondent was impaired due to a psychiatric condition, and whether to direct Respondent to submit to a psychiatric examination. (Ex. 3).

3. The hearing was held on November 14, 2002. Respondent did not appear. Based upon information presented by OPMC at the hearing, the committee found reason to believe that Respondent may be impaired by alcohol, drugs, or a physical or mental disability. (Ex. 4).

4. The committee, by an Order dated November 14, 2002, directed Respondent to submit to an examination by Zev W.

Labins, M.D., with said examination to be commenced no later than January 15, 2003. (Ex. 4).

5. Respondent never contacted Dr. Labins for an appointment, and never presented herself for an evaluation. (Ex. 5).

CONCLUSIONS OF LAW

Respondent is charged with failing to comply with an order issued by a committee on professional medical conduct pursuant to Public Health Law §230(7). The Hearing Committee made the following conclusions of law based upon the factual findings listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The preponderance of the evidence clearly demonstrates that Respondent was ordered to submit to a psychiatric examination, pursuant to Public Health Law §230(7), and that she failed to comply with that order. Moreover, Respondent submitted a document, entitled "Opposition and Objection to the Notice of Hearing", in which she stated that she would not appear for examination, or for this hearing. (Ex. A).

It is not necessary for this Hearing Committee to review the underlying facts which supported the original order to submit to an examination. It is sufficient to find that

Respondent was ordered to submit to an examination by a duly authorized committee on professional medical conduct, and that she failed to comply with that order. Based on the foregoing, the Hearing Committee concluded that the specification of misconduct set forth in the Statement of Charges should be sustained.

DETERMINATION AS TO PENALTY

The Hearing Committee, pursuant to the Findings of Fact and Conclusions of Law set forth above, determined that Respondent's license to practice medicine as a physician 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.

This Hearing Committee is sympathetic to whatever problems are confronting Respondent. The Committee is concerned that Respondent may be falling through the cracks of the state's mental health systems. Nevertheless, it is clear that Respondent is either unable or unwilling to comply with the clear mandates of the law. Under the totality of the circumstances, it is apparent that only revocation of her

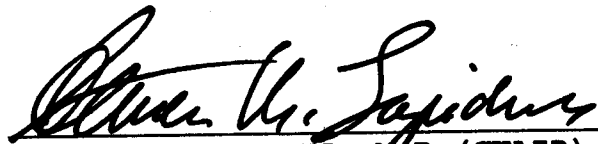
license will provide adequate protection to the people of the state of New York.

ORDER

Based upon the foregoing, IT IS HEREBY ORDERED THAT:

1. The First Specification of professional misconduct, as set forth in the Statement of Charges is SUSTAINED;
2. Respondent's license to practice medicine as a physician in New York State be and hereby is REVOKED commencing on the effective date of this Determination and Order;
3. This Determination and Order shall be effective upon service. Service shall be either by certified mail upon Respondent at Respondent's last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Troy, New York
Nov. 18th, 2003


STEVEN M. LAPIDUS, M.D. (CHAIR)

PHILIP FLORIO, M.D.
LOIS A. JORDAN

TO: Denise Lepicier, Esq.
Associate Counsel
New York State Department of Health
5 Penn Plaza - 6th Floor
New York, New York 10001

Mani-Manjari Devi, M.D.
30 Third Avenue
Brooklyn, New York 11217

APPENDIX I

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

IN THE MATTER
OF
MANI-MANJARI DEVI, M.D.

STATEMENT
OF
CHARGES

Mani-Manjari Devi, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 14, 1994, by the issuance of license number 197832 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about November 14, 2002, pursuant to Public Health Law Section 230(7), a Committee of the Board of Professional Medical Conduct ordered Respondent to undergo an evaluation, to begin before January 15, 2003, because it had found there was reason to believe that Respondent might be impaired by alcohol drugs, or a physical or mental disability. Respondent did not comply with the order.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILING TO COMPLY WITH AN ORDER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(15) by failing to comply with an order issued pursuant to Public

Health Law Section 230, subsection 7, as alleged in the facts of:

1. Paragraph A.

DATED: August 26, 2003
New York, New York

A handwritten signature in black ink, appearing to read "Roy Nemerson", written over a horizontal line.

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct