

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

IN THE MATTER
OF
HARJYOT DEOL, M.D.

CONSENT
ORDER

08 - 160

Upon the application of (Respondent) Harjyot Deol, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 8/29/08

Redacted Signature

KENDRICK A. SEARS, M.D.
Chair
State Board for Professional Medical Conduct

**IN THE MATTER
OF
HARJYOT DEOL, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

Harjyot Deol, M.D., representing that all of the following statements are true, deposes and says:

That on or about February 7, 1995, I was licensed to practice as a physician in the State of New York, and issued License No. 198421 by the New York State Education Department.

My current address is Redacted Address
and I will advise the Director of the Office of Professional Medical Conduct ("OPMC") of any change of address.

I understand that the New York State Board for Professional Medical Conduct ("Board") has charged me with five specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I admit guilt to the charges, in full satisfaction of the charges against me, and agree to the following penalty:

That my license to practice medicine in New York State shall be suspended for an indefinite period or until I complete a clinical competency assessment and have complied with the terms set forth in Exhibit "B," which is attached and part of this Consent Agreement.

I shall be subject to a condition that I comply with attached Exhibit "C" ("Guidelines for Closing a Medical Practice Following Medical License Revocation, Surrender or Suspension of Six Months or More.")

Upon compliance with all the conditions of this Consent Order, I may petition the Director of OPMC for a Modification Order staying the indefinite suspension of my license. I understand and agree that upon issuance of the Modification Order, I will be subject to and must comply with the terms of Order #BPMC 07-92.

I understand and agree:

That any Modification Order the Director of OPMC may issue, in the exercise of his reasonable discretion, may include terms of probation, and/or further conditions on my practice.

That the Director of OPMC will exercise his reasonable discretion upon my petition for a Modification Order.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall return all official New York State prescriptions to the Bureau of Narcotic Enforcement, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 30 days of the Consent Order's effective date. Further, within 30 days of returning these prescriptions and surrendering this Registration, Respondent shall

provide the Director of OPMC ("Director") with written evidence, satisfactory to the Director, that Respondent has complied with this condition.

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including, but not limited to, the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with OPMC in its administration and enforcement of this Consent Order and in its investigation of all matters concerning Respondent. Respondent shall respond promptly to all OPMC requests for written periodic verification of Respondent's compliance with the terms of this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, and shall promptly provide OPMC with all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by New York State Education Law § 6530(29).

If I am charged with professional misconduct in future, I hereby stipulate and agree that this Application and Consent Order, and/or related Modification Orders, shall be admitted into evidence in that proceeding as part of the Department's case-in-chief, at the sole discretion of the Department.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. This Consent Order, this Consent Agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this

Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE: 8-12-08

Redacted Signature

HARJYOT DEOL, M.D. _____
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: Aug 14, 2008

Redacted Signature

~~GEORGE F. MOULD, ESQ.~~
Attorney for Respondent

DATE: August 18, 2008

Redacted Signature

~~VALERIE B. DONOVAN~~
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 8/25/08

Redacted Signature

~~KEITH W. SERVIS~~
Director
Office of Professional Medical Conduct

Exhibit "A"

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

IN THE MATTER
OF
HARJYOT DEOL, M.D.

STATEMENT
OF
CHARGES

HARJYOT DEOL, M.D., the Respondent, was authorized to practice as a Physician in New York State on or about February 7, 1995, by the issuance of license number 198421 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent entered into Consent Agreement and Order No. 07-92 (Order), effective May 3, 2007, with the New York State Board for Professional Medical Conduct. In this Agreement, Respondent agreed to: a stayed three-year license suspension; three years of probation during which he agreed to comply with the terms of probation; and to undergo a clinical competency assessment within 60 days of the effective date of the Order. Respondent violated the terms and conditions of this Order in that:
1. Respondent failed to undergo a clinical competency assessment within 60 days of the effective date of the Order.
 2. Respondent failed to provide the Office of Professional Medical Conduct (OPMC) with written notification of changes in his employment and practice status as required by the Order.
 3. Respondent failed to provide written notification to OPMC of a November 26, 2007 arrest within the time frame required by the Order.
 4. Respondent failed to report to OPMC that in or around October 2007, the Pennsylvania Board of Medicine had taken a reciprocal action against his medical license.

5. Respondent failed to appropriately and/or completely respond to numerous written requests from OPMC for information.

SPECIFICATIONS OF CHARGES

FIRST THROUGH FIFTH SPECIFICATIONS

VIOLATING ANY TERM OF PROBATION OR CONDITION OR LIMITATION

Respondent is charged with committing professional misconduct as defined in New York Education Law § 6530(29) by violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of the public health law, as alleged in the following:

1. The facts in paragraphs A and A.1.
2. The facts in paragraphs A and A.2.
3. The facts in paragraphs A and A.3.
4. The facts in paragraphs A and A.4.
5. The facts in paragraphs A and A.5.

DATED:

Aug. 18
~~July~~, 2008
Albany, New York

Redacted Signature

PETER D. Van Buren
Deputy Counsel
Bureau of Professional
Medical Conduct

Exhibit "B"

CLINICAL COMPETENCY ASSESSMENT

1. Respondent shall obtain a clinical competency assessment (CCA) performed by a program for such assessment as directed by the Director of the Office of Professional Conduct (OPMC). Respondent shall cause a written report of such assessment to be provided directly to the Director of OPMC within sixty (60) days of the completion of the assessment.
 - a. Respondent shall be responsible for all expenses related to the CCA and shall provide to the Director of OPMC proof of full payment of all costs that may be charged. This shall not be satisfied in the absence of actual receipt, by the Director, of such documentation.

EXHIBIT "C"

**GUIDELINES FOR CLOSING A MEDICAL PRACTICE
FOLLOWING MEDICAL LICENSE REVOCATION, SURRENDER
OR SUSPENSION OF SIX MONTHS OR MORE**

1. Respondent shall immediately cease the practice of medicine in compliance with the terms of the Consent Order. Respondent shall not represent that Respondent is eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within 15 days of the Consent Order's effective date, Respondent shall notify all patients that Respondent has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for continued care, as appropriate.
3. Within 30 days of the Consent Order's effective date, Respondent shall have Respondent's original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within 30 days of the Consent Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least 6 years after the last date of service, and for minors, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed 75 cents per page). Radiographic, sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within 15 days of the Consent Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender Respondent's DEA controlled substance certificate, privileges, and any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within 15 days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at Respondent's practice location, Respondent shall dispose of all medications.

7. Within 15 days of the Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings, whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.
8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by Respondent or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred, on a patient's behalf prior to the Consent Order's effective date.
9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for 6 months or more pursuant to this Order, Respondent shall, within 90 days of the Consent Order's effective date, divest all financial interest in the professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Consent Order's effective date.
10. Failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to 4 years, under N.Y. Educ. Law § 6512. Professional misconduct may result in penalties including revocation of the suspended license, and/or fines of up to \$10,000 for each specification of misconduct, under N.Y. Pub. Health Law § 230-a.