



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Acting Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

February 3, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Timothy J. Mahar, Esq.
NYS Department of Health
Corning Tower Room 2438
Empire State Plaza
Albany, New York 12237

Pareshchandra Patel, M.D.
aka Paresh Patel, M.D.
Registration #69700-050
MDC Brooklyn
80 29th Street
Brooklyn, New York 11232

RE: In the Matter of Pareshchandra Patel, M.D. aka Paresh Patel, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 17-34) 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
Office of Professional Medical Conduct
Riverview Center
150 Broadway - Suite 355
Albany, New York 12204

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), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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., Chief Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Riverview Center
150 Broadway – Suite 510
Albany, New York 12204

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,



James F. Horan
Chief Administrative Law Judge
Bureau of Adjudication

JFH: nm
Enclosure

IN THE MATTER
OF
PARESHCHANDRA PATEL, M.D., aka
PARESH PATEL, M.D.

DETERMINATION
AND
ORDER
BPMC #17-34

A hearing was held on January 18, 2017, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order of Summary Action, Notice of Referral Proceeding and Statement of Charges dated October 24, 2016, were served upon PARESHCHANDRA PATEL, the Respondent. Pursuant to § 230(10)(e) of the Public Health Law, James M. Leonardo, M.D., Chairperson, Reid T. Muller, M.D., and David F. Irvine, DHSc, P.A., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. William J. Lynch, Esq., Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by Richard J. Zahnleuter, Esq., General Counsel, by Timothy J. Mahar, Esq., of Counsel. The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence concerning service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Ex. 2) ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits despite the Respondent's absence. Evidence was received and a transcript of the proceedings was 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 § 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of New York Education Law § 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.

In the instant case, the Respondent is charged with professional misconduct pursuant to New York Education Law § 6530(9)(a)(ii). Based on the Respondent's felony conviction, the Commissioner of Health summarily suspended the Respondent's license to practice medicine until the conclusion of this hearing. Copies of the Commissioner's Order of Summary Action, the 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. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence.

All Hearing Committee findings were unanimous.

1. Pareshchandra Patel, M.D., the Respondent, was authorized to practice medicine in New York State on April 30, 1992, by the New York State Education Department's issuance of license number 188893. (Petitioner's Ex. 3).

2. On January 13, 2016, in the United States District Court for the District of New Jersey, the Respondent pleaded guilty to violating the federal health care program anti-kickback statute, 42 U.S.C. § 1320a-7b(b)(1)(A), a felony. (Petitioner's Ex. 7).

3. The basis for this guilty plea was the Respondent's solicitation and receipt of kickbacks and bribes from a diagnostic testing company during the period from September 2009 through December 2013, in exchange for the Respondent referring patients to that diagnostic company. (Petitioner's Ex. 4).

4. On June 8, 2016, a criminal judgment was issued which sentenced the Respondent to a twelve month and one day term of imprisonment, criminal forfeiture of \$174,188.37, and a \$6,000 fine, among other penalties. (Petitioner's Ex. 6).

HEARING COMMITTEE CONCLUSIONS

The Petitioner offered into evidence copies of the documents from the United States District Court which established the Respondent's federal criminal conviction. Therefore, the Hearing Committee concluded that the Respondent has committed misconduct as defined in New York Education Law § 6530(9)(a)(ii).

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York State Education Law § 6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law.

VOTE: (3-0) Sustained

HEARING COMMITTEE DETERMINATION

The record establishes that the Respondent received regular kickbacks from a diagnostic testing company during the period from September 2009 through December 2013. His knowledge that this behavior was wrongful is evidenced by his effort to conceal receipt of these kickbacks by making arrangements so that he received no direct kickback payments. Instead, the diagnostic company paid a contractor to perform renovations on the Respondent's private residence and paid the Respondent's property taxes. As such, the Respondent abused his position as a physician by wrongfully allowing his personal financial interest in kickbacks to determine the performance of his patients' diagnostic testing including EKGs, ultrasounds and nerve conduction studies.

The Hearing Committee considered the full spectrum of penalties available pursuant to statute, including revocation, suspension, probation, censure, and the imposition of civil penalties. Based on the Respondent's professional misconduct and absent any evidence of remorse or rehabilitation, the Hearing Committee accepts the Petitioner's recommendation that the Respondent's license be revoked.

ORDER

IT IS HEREBY ORDERED THAT:

The Respondent's license to practice medicine in the State of New York is revoked.

This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

DATED: Albany, New York
18 JANUARY, 2017



James M. Leonardo, M.D.
Chairperson

Reid T. Muller, M.D.
David F. Irvine, DHSc, P.A.

APPENDIX I

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

IN THE MATTER
OF
PARESHCHANDRA PATEL, M.D., aka
PARESH PATEL, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: Pareshchandra Patel, MD, aka
Paresh Patel, MD
Registration # 69700-050
MDC Brooklyn
80 29th Street
Brooklyn, NY 11232



The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that Pareshchandra Patel, M.D., aka Paresh Patel, M. D. (henceforth "Respondent"), has pleaded or been found guilty or convicted of committing an act constituting a felony under New York State law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a felony under New York State law, as is more fully set forth in the Statement of Charges attached to the Notice of Referral Proceeding or Notice of Hearing and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within ninety days of the service of this order and shall end within ninety days thereafter. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. 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 a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding provided to the Respondent contemporaneously with this Order.

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
October 24 2016


Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

Timothy J. Mahar
~~Associate Counsel~~
N.Y.S. Department of Health
Division of Legal Affairs
Corning Tower-Room 2512
Empire State Plaza
Albany, NY 12237

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

IN THE MATTER

OF

**PARESHCHANDRA PATEL, M.D., aka
PARESH PATEL, M.D.**

**NOTICE OF
REFERRAL
PROCEEDING**

**TO: Pareshchandra Patel, MD, aka
Paresh Patel, MD
Registration # 69700-050
MDC Brooklyn
80 29th Street
Brooklyn, NY 11232**

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on January 18, 2017, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, Bureau of Adjudication, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.¹

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a

¹ For GPS purposes, enter "Menands", not "Albany".

crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above. Should the parties have objection to proposed witnesses or documentary evidence, the party raising the objection shall contact the Bureau of Adjudication to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not later than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below.

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. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. 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 OUT 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
October 24, 2016


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

**Timothy J. Mahar
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282**

IN THE MATTER
OF
PARESHCHANDRA PATEL, M.D. aka
PARESH PATEL, M.D.

STATEMENT
OF
CHARGES

Pareshchandra Patel, M.D., aka Paresh Patel, M.D., the Respondent, was authorized to practice medicine in New York State on or about April 30, 1992, by the issuance of license number 188893 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 13, 2016 Respondent pleaded guilty to violating the federal health care program anti-kickback statute, 42 USC §1320a-7b(b)(1)(A), a felony, in the United States District Court, District of New Jersey. Respondent's felony conviction was based on Respondent's solicitation and receipt of kickbacks and bribes from a diagnostic testing company during the period from September 2009 through December 2013, in exchange for Respondent referring patients to that diagnostic testing company.

On or about June 8, 2016, a judgement of guilt of a criminal offense was issued against Respondent in the United States Federal District Court, District of New Jersey, and Respondent was sentenced to a twelve month and one day term of imprisonment, criminal forfeiture of \$174,188.37, and a \$6,000 fine, among other penalties.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(ii) by having been convicted of an act constituting a crime (felony) under federal law as alleged in the facts of the following:

1. The facts as alleged in paragraph A.

DATE: October 24, 2016
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct