

**These charges are only allegations which
may be contested by the licensee in an
administrative hearing.**

IN THE MATTER
OF
MUKESH GARG, M.D.

STATEMENT
OF
CHARGES

Mukesh Garg, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 29, 2010, by the issuance of license number 258080 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about April 4, 2016 the Missouri State Board of Registration for the Healing Arts (herein after the "Mo Board") by entered into a Settlement Agreement (herein after the "Mo Agreement"), after having opened an investigation into the conduct and medical practice of Respondent, extended Respondent's Probation of his Physician's and Surgeon's Certificate under a July 30, 2013 Settlement Agreement between Respondent and the MO Board for two (2) additional years, as cause existed to discipline Respondent pursuant to RSMO §§324.042, 334.100.2(4) and 334.100.2(4)(p), violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency. The Agreement was based on the facts, which Respondent stipulated to, that Respondent violated Paragraph 25 of the July 30, 2013, Settlement Agreement, whereby Respondent was required to abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation, and that Respondent tested positive for alcohol in March of 2015.

1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to the following section of New York State Law:

- a. New York Education Law Section 6530(16) (Willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules or regulations, governing the practice of medicine.)
- b. 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 and thirty of the public health law.)

B. On or about June 27, 2016, the State Board of Medicine for the Commonwealth of Pennsylvania (herein after the "PA Board") by Consent Agreement and Order (herein after the "PA Order"), after having opened an investigation into the conduct and medical practice of Respondent, Indefinitely Suspended until at least May 24, 2021, Respondent's license to practice medicine in the Commonwealth of Pennsylvania, with the suspension to be Immediately Stayed in favor of an Indefinite Period of Probation until at least May 24, 2021, subjected to various terms and agreements. The PA Order was predicated on the Mo Agreement, noticed above. Respondent acknowledged that he violated, the Medical Practice Act §41(4), 63 P.S. §422.41(4), in that Respondent had a license or other authorization to practice the profession suspended, revoked, refused or otherwise disciplined by the proper licensing authority of another state, territory, possession or country, or branch of the federal government.

1. The conduct resulting in the Order would constitute misconduct under the laws of New York State, pursuant to the following section of New York State Law:

- a. New York Education Law Section 6530(16) (Willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules or regulations, governing the practice of medicine.)
- b. 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 and thirty of the public health law.)

SPECIFICATION OF CHARGES

FIRST, AND SECOND SPECIFICATION

HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law §6530(16), and/or (29) as alleged in the facts of the following:

1. The facts in Paragraph A, A1 and its subparagraphs.
2. The facts in Paragraph B, B1 and its subparagraphs.

DATE: September 14, 2017
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct