



STATE OF NEW YORK DEPARTMENT OF HEALTH

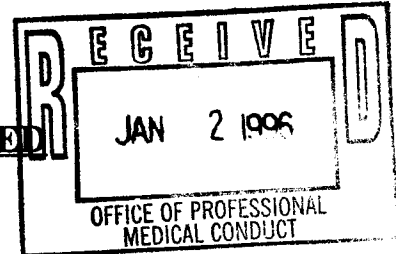
Coming Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

Karen Schimke
Executive Deputy Commissioner

December 28, 1995

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



Claudia Morales Bloch, Esq.
NYS Department of Health
5 Penn Plaza-Sixth Floor
New York, New York 10001

Suresh Doshi, M.D.
1624 South Black Horse Pike
Williamstown, New Jersey 08094

RE: In the Matter of Suresh Doshi, M.D.

Effective Date: 01/04/96

Dear Ms. Bloch and Dr. Doshi:

Enclosed please find the Determination and Order (No. 95-314) 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required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate.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
Coming Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

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 all action 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.

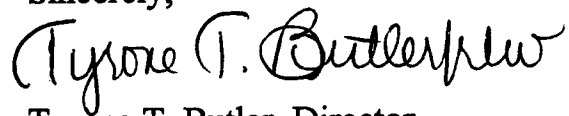
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Empire State Plaza
Corning Tower, Room 2503
Albany, New York 12237-0030

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,

A handwritten signature in black ink that reads "Tyrone T. Butler". The signature is written in a cursive style with a large initial "T" and a stylized "B".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:nm
Enclosure

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

-----X
IN THE MATTER : DETERMINATION
OF : AND
SURESH DOSHI, M.D. : ORDER
-----X

BPMC-95-314

A Notice of Referral Proceeding and Statement of Charges, both dated September 13, 1995, were served upon the Respondent, Suresh Doshi, M.D. **STEPHEN A. GETTINGER, M.D. (Chair), RALPH LEVY, D.O., and RANDOLPH MANNING,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **LARRY G. STORCH, ESQ., ADMINISTRATIVE LAW JUDGE,** served as the Administrative Officer. The Department of Health appeared by Claudia Morales Bloch, Esq., Associate Counsel. The Respondent did not appear in person and was not represented by counsel. A hearing was held on November 8, 1995. 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.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which 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, Respondent is charged with professional misconduct pursuant to Education Law §6530(9)(b) [having been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct]. A copy of the Notice of Referral Proceeding and 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. Numbers 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. Suresh Doshi, M.D. (hereinafter, "Respondent"), was authorized to practice medicine in New York State on March 9, 1973 by the issuance of license number 115738 by the New York State Education Department. (Pet. Ex. #2).

2. On or about August 16, 1994, a Decision Approving Settlement was issued wherein a settlement between the New Jersey State Board of Medical Examiners (hereinafter "New Jersey Board") and Respondent was approved and made final. The terms of the settlement included an admission by Respondent to "inappropriate physical contact [with a patient] amounting to unprofessional conduct". (Pet. Ex. #3).

3. The New Jersey Board alleged, *inter alia*, that on or about August 18, 1992, a 20 year-old female patient visited Respondent's office for an initial appointment which she had requested because of back pain. The patient detailed her medical history and described her symptoms. Respondent stood in back of the patient, reached around her and pulled up her blouse and brassiere. He held and squeezed her breasts while he listened to her heart with a stethoscope. Respondent told the patient to bend over, and when she did, rubbed his clad and erect penis against her buttocks while he continued to fondle her breasts. (Pet. Ex. #3).

4. The New Jersey Board suspended Respondent's license for a period of three years, with six months of actual suspension, and the remainder stayed with probation. In

addition, the New Jersey Board mandated that Respondent undergo a psychiatric evaluation, and treatment as recommended. Respondent was also required to take a medical ethics course and to pay the costs incurred by the State in connection with the case. (Pet. Ex. #3).

CONCLUSIONS OF LAW

The following conclusions were made pursuant to the Findings of Fact listed above. All conclusions resulted from a unanimous vote of the Hearing Committee unless noted otherwise.

The Hearing Committee concluded that the Department has sustained its burden of proof in this matter. The preponderance of the evidence demonstrates that Respondent was disciplined by the New Jersey Board following his admission to inappropriate physical contact with a patient. The Committee unanimously concluded that Respondent's conduct, if committed in New York State, would constitute conduct in the practice of medicine which evidences moral unfitness to practice medicine, in violation of Education Law §6530(20). As a result, the Committee voted to sustain the specification of professional misconduct brought against Respondent.

DETERMINATION AS TO PENALTY

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

Respondent's conduct constituted a serious breach of the public trust which is granted to members of the medical profession. Respondent failed to appear and present any evidence which might mitigate the sanction to be imposed. Under the circumstances, the Hearing Committee determined that revocation is the only appropriate sanction.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Specification of professional misconduct, as set forth in the Statement of Charges (Petitioner's Exhibit # 1) is **SUSTAINED;**

2. Respondent's license to practice medicine in New York State be and hereby is **REVOKED.**

DATED: Albany, New York
Dec 26, 1995


STEPHEN A. GETTINGER, M.D. (CHAIR)

RALPH LEVY, D.O.
RANDOLPH MANNING

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

Suresh Doshi, M.D.
1624 South Black Horse Pike
Williamstown, New Jersey 08094

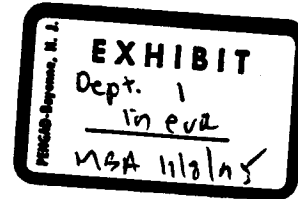
APPENDIX I

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

IN THE MATTER
OF
SURESH DOSHI, M.D.

NOTICE OF
REFERRAL
PROCEEDING

TO: SURESH DOSHI, M.D.
59 Spring Lane Drive
Blackwood, N.J. 08094



PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §§230(10)(p) (McKinney Supp. 1995) and N.Y. State Admin. Proc. Act §§301-307 and 401 (McKinney 1984 and Supp. 1995). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on November 8, 1995, at 10:00 a.m., at the offices of the New York State Department of Health, 5 Penn Plaza, Sixth Floor, New York, New York 10001.

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. 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 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, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (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.

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to 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.

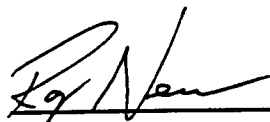
The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days 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.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: New York, New York
Sept 13, 1995



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Claudia Morales Bloch
Associate Counsel
NYS Department of Health
Division of Legal Affairs
5 Penn Plaza, Suite 601
New York, New York 10001
(212) 613-2615

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

IN THE MATTER
OF
SURESH DOSHI, M.D.

STATEMENT
OF
CHARGES

SURESH DOSHI, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 9, 1973, by the issuance of license number 115738 by the New York State Education Department.

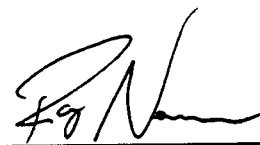
SPECIFICATION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b)(McKinney Supp. 1995) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state [namely N.Y. Educ. Law § 6530(20)] as alleged in the facts of the following:

1. On or about August 16, 1994, a Decision Approving Settlement was issued wherein a settlement between the New Jersey State Board of Medical Examiners and the Respondent was approved and made final. The terms of the settlement included an admission by the Respondent to "inappropriate physical contact [with a patient] amounting to unprofessional conduct."

2. The conduct Respondent admitted to in the New Jersey state action would, if committed in New York state, constitute professional misconduct under the laws of New York state, specifically N.Y. Educ. Law Section 6530(20): conduct in the practice of medicine which evidences moral unfitness to practice medicine.

DATED: September 13, 1995
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct