

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

BPMC No. 17-308

IN THE MATTER
OF
CHETHAN BYADGI, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: CHETHAN BYADGI, M.D.
Lackawanna County Prison
1371 North Washington Avenue
Scranton, PA 18509

CHETHAN BYADGI, M.D.


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 CHETHAN BYADGI, M.D. (henceforth "Respondent") New York license number 243084, 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 23, 2017


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

Inquiries should be directed to:

Pooja A. Rawal
Senior Attorney
New York State Health Department
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, New York 12237
(518) 473-4282

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

**IN THE MATTER
OF
CHETHAN BYADGI, M.D.**

**NOTICE OF
REFERRAL
PROCEEDING**

TO: CHETHAN BYADGI, M.D.
Lackawanna County Prison
1371 North Washington Avenue
Scranton, PA 18509

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 December 21, 2017, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.

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 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 [REDACTED]

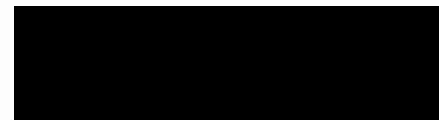
The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days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

DATED: Albany, New York
October 23, 2017



MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Pooja Rawal
Senior Attorney
New York State Health Department
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, NY, 12237
Phone: 518-473-4282 Fax:518-473-2430

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

IN THE MATTER
OF
CHETHAN BYADGI, M.D.

STATEMENT
OF
CHARGES

CHETHAN BYADGI, M.D., the Respondent, was authorized to practice medicine in New York State on or about February 9, 2007, by the issuance of license number 243084 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about July 11, 2016, the Respondent was charged with fifteen felonies in the Court of Common Pleas, Lackawanna County, Pennsylvania. The charges were: one count of Medicaid Fraud- Submission of False Claims, 3rd degree (62 P.S. §1407(a)(1)); one count of Medicaid Fraud- False Referral, 3rd degree (62 P.S. §1407(a)(6)) ; one count of Medicaid Fraud- Misrepresentation, 3rd degree (62 P.S. §1407(a)(7)) ; one count of Medicaid Fraud- Conspiracy, 3rd degree (62 P.S. §1407(a)(12)); three counts of Theft by Deception, 3rd degree (18 Pa.C.S. §3922(a)(1)); six counts of Insurance Fraud, 3rd degree (18 Pa.C.S. §§4117(a)(2), (3), & (5)) ; one count of Criminal Attempt to Commit Theft by Deception (18 P.a.C.S. §901(a)- §3922(a)(1)) and; one count Prescription Not in Accordance with Treatment Principals (35 P.S. §780-113(a)(14)). The charges were based on allegations that the Respondent was part of a conspiracy, where medical assistants and/or other office personnel saw patients for office visits, and those same visits were billed to Medical Assistance, Medicare, and private insurance companies as though the patients were being seen by physicians. The office visits were billed at the highest possible rate regardless of the services provided at each visit.

B. On or about April 11, 2016, the Respondent pled guilty, in the same court to one count of Conspiracy- Unentitled Reimbursement (62 P.S. §1407(a)(12)), one count of Theft by Deception- False Impression (18 Pa.C.S. §3922(a)(1)), and one count of Insurance Fraud (18 Pa.C.S. §§4117(a)(3)), all felonies. On or about March 29, 2017, the Respondent was sentenced to 9 to 23 months in the Lackawanna County Prison, \$99,094.53 in restitution, and upon release is subject to five years' probation and 1,000 hours of community service.

1. The conduct resulting in the Respondent's conviction in Pennsylvania would constitute a crime, if committed within New York State, under the following:

- a. The Pennsylvania conviction for one count of Conspiracy- Unentitled Reimbursement (62 P.S. §1407(a)(12)) would be a crime in New York under N.Y. Penal Law 177.05 (Health care fraud in the fifth degree), a class A misdemeanor.
- b. The Pennsylvania conviction for one count of Theft by Deception- False Impression (18 Pa.C.S. §3922(a)(1)) would be a crime in New York under N.Y. Penal Law 177.15 (Health care fraud in the third degree), a class D felony.
- c. The Pennsylvania conviction for one count of Insurance Fraud (18 Pa.C.S. §§4117(a)(3)) would be a crime in New York under N.Y. Penal Law 176.20 (Insurance fraud in the third degree), a class D felony.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (Other Jurisdiction)

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(iii) by having been convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and/or B(1)(a), and/or (B)(1)(b), and/or B(1)(c).

DATE: October 23, 2017
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct