

IN THE MATTER
OF
PALAKKUMAR, PATEL, P.A

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: Palakkumar Patel, P.A. Palakkumar Patel, P.A.
[REDACTED] 3400 Nesconset Highway - Suite 103
East Setauket, New York 11773

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 PALAKKUMAR PATEL, P.A. (henceforth "Respondent") New York license number 012943, 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 as a physician's assistant in the State of New York, or practice in any setting under the authority of Respondent's New York license.

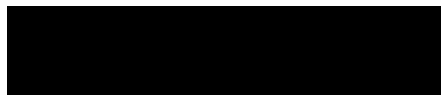
Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

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 AS A PHYSICIAN'S ASSISTANT 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. Zuckert/M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed 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
PALAKKUMAR PATEL, P.A.**

NOTICE OF
REFERRAL
PROCEEDING

TO: Palakkumar Patel, P.A.



Palakkumar Patel, P.A.
3400 Nesconset Highway - Suite 103
East Setauket, New York 11773

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 12204-2719.¹

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 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

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

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 AS A PHYSICIAN'S ASSISTANT 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 23, 2017

A black rectangular redaction box covering the signature of Michael A. Hiser.

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

Cc: Jordan S. Fensterman, Esq.
Abrams, Fensterman, LLP
3 Dakota Drive
Suite 300
Lake Success, New York 11042

IN THE MATTER
OF
PALAKKUMAR PATEL, P.A.

STATEMENT
OF
CHARGES

PALAKKUMAR PATEL, P.A., the Respondent, was authorized to practice as a physician's assistant in New York State on or about October 29, 2008, by the issuance of license number 012943 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 29, 2015, the Respondent was arrested after police observed him snorting Cocaine. The Respondent was charged with one felony count of third degree criminal possession of a controlled substance (NY PL § 220.16(12)), one felony count of fourth degree criminal possession of narcotics (NY PL §220.09(1)), two misdemeanor counts of seventh degree criminal possession of a controlled substance (NY PL §220.03), and one misdemeanor count of second degree criminal use of drug paraphernalia (NY PL 220.50(2)) in Suffolk County Court ("SCC"). On or about January 27, 2016, the Respondent pled guilty to one misdemeanor count of criminal possession of a controlled substance (NY PL §220.03). On or about June 19, 2017, the Respondent was sentenced to three years of probation and \$250.00 fine.

B. On or about April 15, 2016, the Respondent was arrested and subsequently charged with two felony counts of first degree identity theft (NY PL §190.80(3)), one felony count of third degree grand larceny (NY PL §155.35(1)), and one misdemeanor count of seventh degree CPCS (NY PL §220.03) in SCC.

C. On or about September 21, 2016, 2016, the Respondent was arrested and subsequently charged with one misdemeanor count of third degree Aggravated Unlicensed Operation of a vehicle (NY PL §511.1a, one felony count of first degree identity theft (NY PL §190.80(3)), two felony counts of second degree criminal possession of a forged instrument (NY PL §70.25), one misdemeanor count of fifth degree criminal possession of stolen property (NY PL §165.40), and one misdemeanor count of fifth degree criminal possession of marijuana (NY PL §221.10(2)) in SCC .

D. On or about April 17, 2017, the Respondent was convicted by plea on all of the above-mentioned charges in paragraphs B and C. On or about June 13, 2017, the Respondent was sentenced to imprisonment for time served, on all charges, and payment of \$5,900.00 in restitution. The Respondent received five years' probation on the six felony charges and three years on the three misdemeanor charges to run concurrently.

SPECIFICATION OF CHARGES

CRIMINAL CONVICTION (N.Y.S.)

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

1. The facts in Paragraphs A, B, C, and D.

DATE: October 23, 2017
Albany, New York


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct