

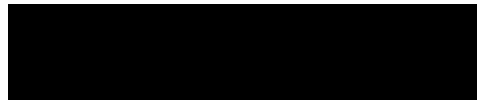
**These charges are only allegations which
may be contested by the licensee in an
Administrative hearing.**

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

IN THE MATTER
OF
SAPNA BHATIA, M.D.

NOTICE
OF
HEARING

TO: SAPNA BHATIA, M.D.



PLEASE TAKE NOTICE:

A 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 July 18, 2019 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, and at such other adjourned dates, times and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A summary of the Department of Health Hearing Rules is enclosed.

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

Department attorney: Initial here 

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone 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, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, and at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of Actual Engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less 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. 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.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. 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.

DATE: Albany, New York
May, 22, 2019



Timothy J. Mahar /
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be directed to:
IAN H. SILVERMAN
Associate Counsel
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

IN THE MATTER

OF

SAPNA BHATIA, M.D.

STATEMENT
OF
CHARGES

SAPNA BHATIA M.D., the Respondent, was authorized to practice medicine in New York State on or about August 31, 2009 by the issuance of license number 254676 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 20, 2017, the Colorado Medical Board (hereinafter "Colorado Board") summarily suspended the Respondent's medical license finding the public health, safety or welfare imperatively required emergency action. The Colorado Board's action was based upon information that the Respondent had a physical or mental illness or condition that renders her unsafe to practice medicine with reasonable skill and safety, to patients and that Respondent provided a positive drug screen for an illegal drug.

B. A formal complaint was served on Respondent on January 17, 2018. Respondent failed to respond to the Complaint as required within 30 days from the date of the receipt and thus on December 15, 2018 the Administrative Law Judge issued an Entry of Default. On or about April 11, 2019 the Colorado Medical Board issued a Final Board Order adopting the ALJ's recommended sanction of Revocation of the Initial Decision upon Default, dated December 15, 2018. The Colorado Board found the Respondent engaged in unprofessional conduct by resorting to fraud, misrepresentation or deception in renewing her license to practice medicine. The

Colorado Board found the Respondent engaged in unprofessional conduct by receiving convictions for a felony and crimes of moral turpitude. The Colorado Board found the Respondent engaged in unprofessional conduct by habitually or excessively using alcohol, habit-forming drugs and/or controlled substances.

C. Respondent's conduct as described above, upon which the disciplinary action in Colorado was based would, if committed in New York State, constitute professional misconduct under the laws of the State of New York as follows:

1. New York Education Law §6530(1) (obtaining the license fraudulently);
2. New York Education Law §6530 (8)(being a habitual user of alcohol, or being dependent on or a habitual user of narcotics) and/or
3. New York Education Law §6530 (9) (a) (iii) (being convicted of an constituting a crime under the law of another jurisdiction and which if committed in this state would have constituted a crime under New York state law.).

D. On or about October 17, 2016 in Douglas County District Court, Colorado

Respondent plead guilty to one felony theft count in violation of C.R.S. 18-4-401(1), (2) (f) and one misdemeanor theft count in violation of C.R.S. 18-4-401(1), (2) (e) (6) and was sentenced that day to a two year deferred judgment on count one and two years of probation on count two to run concurrently. Respondent was sentenced to six months in jail, suspended upon completion of probation and was ordered to complete 75 alternative service hours. Respondent was ordered to stay away from the stores, complete a theft class and pay \$1,711.50 in fines/costs. The conviction stemmed from an incident at Nordstrom where Respondent possessed stolen merchandise from several stores with a value totaling \$4,747.20, Respondent also possessed someone else's prescription bottles and their passport.

E. Respondent's actions resulting in criminal convictions as described above in Colorado would, if committed in New York State, have constituted a crime under New

York State law, specifically N.Y. Penal Law §155.30 (Grand Larceny in the Fourth Degree, a class E felony); and/or N.Y. Penal Law §155.25 (Petit Larceny, a class A misdemeanor).

F. On or about March 9, 2017 in Aurora Municipal Court Respondent plead guilty to one count of theft in violation of C.R.S. 94-74 (a) and was sentenced to ten days in jail, with 4 days credited for time served. The conviction stemmed from an incident at the Ulta Beauty Store where Respondent was observed concealing merchandise while intoxicated. Unpaid items found in Respondent's purse totaled \$556 and she possessed a wallet with a Colorado driver's license a check, credit cards and cash not all of which were hers. The wallet was stolen and the rightful owner indicated \$1,000 cash was missing

G. Respondent's actions resulting in criminal convictions as described above in Colorado would, if committed in New York State, have constituted a crime under New York State law, specifically N.Y. Penal Law §155.25 (Petit Larceny, a class A misdemeanor).

SPECIFICATION OF CHARGES

FIRST 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(1) and/or (8)) as alleged in the facts of the following:

1. The facts in Paragraph A, B and C.

SECOND SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) 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 (1) and/or (8)) as alleged in the facts of the following:

2. The facts in Paragraph A, B and C.

THIRD SPECIFICATION

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 (namely N.Y. Penal Law § 155.25 and/or N.Y. Penal Law §155.30) as alleged in the facts of the following

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3. The facts in Paragraph D, E, F and G.

DATE: May 22, 2019
Albany, New York


Timothy J. Mahar
Deputy Counsel
Bureau of Professional Medical Conduct