



## Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

August 2, 2019

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Sapna Bhatia, M.D.  
[REDACTED]

Ian H. Silverman, Esq.  
Bureau of Professional Medical Conduct  
Corning Tower Building – Room 2512  
Empire State Plaza  
Albany, New York 12237

**RE: In the Matter of Sapna Bhatia, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 19-196) 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 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  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

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), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "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 penalties other than suspension or revocation 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., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

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,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH: cmg  
Enclosure

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

-----X  
IN THE MATTER

OF

SAPNA BHATIA, M.D.

:

:

:

:

:

:

:

-----X

DETERMINATION

AND

ORDER

19-196

A hearing was held on July 18, 2019, at the offices of the New York State Department of Health (Department), 150 Broadway, Menands, New York. Pursuant to §230(10)(e) of the Public Health Law (PHL), MOHAMMAD-REZA GHAZI-MOGHADAM, M.D., Chairperson, RONALD UVA, M.D., and GAIL S. HOMICK-HERRLING, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. JEAN T. CARNEY, ADMINISTRATIVE LAW JUDGE (ALJ), served as the Administrative Officer.

The Department appeared by Associate Counsel Ian H. Silverman. A Notice of Referral Proceeding and Statement of Charges dated May 22, 2019, were duly served pursuant to PHL §230(10)(d)(i) upon Sapna Bhatia, M.D. (Respondent), who failed to appear. The Hearing Committee received and examined documents from the Department (Exhibits 1-8) and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charges that the Respondent committed professional misconduct in violation of Education Law

§§6530(9)(d), 6530(9)(b), and 6530(9)(a)(iii), and that pursuant to PHL §230-a, the penalty of revocation of her license is appropriate.

### BACKGROUND

The Department brought the case pursuant to PHL §230(10)(p), which provides for a hearing when a licensee is charged solely with a violation of Education Law §6530(9).

The Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(b), having been found guilty of professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such action would, if committed in New York State, constitute professional misconduct under the laws of New York State. The Respondent is also charged with professional misconduct pursuant to Educ. Law §6530(9)(d), by having had his license to practice medicine revoked, or suspended, or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such action would, if committed in New York State, constitute professional misconduct under the laws of New York State. The Respondent is further charged with professional misconduct pursuant to Education Law §6530(9)(a)(iii), by having been convicted of an act constituting a crime under the law of another jurisdiction which, if committed in this state, would constitute a crime under New York State law.

Under PHL §230(10), the Department had the burden of proving its case by a preponderance of the evidence. Any licensee found guilty of professional misconduct under the procedures prescribed in PHL § 230 "shall be subject to penalties as prescribed in [PHL § 230-a] except that the charges may be dismissed in the interest of justice."

### FINDINGS OF FACT

The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. The Respondent was authorized to practice medicine in New York State on August 31, 2009, by the issuance of license number 254676. (Exhibit 5).
2. On or about October 20, 2017, the Colorado Medical Board (CMB) summarily suspended the Respondent's medical license based on her having a physical or mental illness that rendered her unsafe to practice medicine with reasonable skill and safety. (Exhibit 6).
3. On or about April 11, 2018, the CMB issued a Final Board Order revoking the Respondent's medical license, finding that the Respondent had engaged in unprofessional conduct by resorting to fraud, misrepresentation or deception in renewing her license to practice medicine; by habitually or excessively using alcohol, habit forming drugs, and/or controlled substances; and by being convicted of a felony and crimes of moral turpitude. (Exhibit 6).

4. On or about October 17, 2016, the Respondent pleaded guilty to one felony count of theft, and one misdemeanor count of theft after being found in possession of \$4,747. 20 in stolen merchandise, as well as another person's prescription bottles and passport. The Respondent was sentenced to a two-year deferred judgment to run concurrently with two years of probation; six months in jail, suspended upon completion of probation; 75 alternative service hours; complete a theft class; stay away from the stores; and pay \$1,711.50 in fines and fees. (Exhibit 7).

5. On or about March 9, 2017, pleaded guilty to one count of theft after being found in possession of a stolen wallet, credit cards, and of concealing merchandise. The Respondent was sentenced to 10 days in jail, with credit for four days served. (Exhibit 8).

#### VOTE OF THE HEARING COMMITTEE

##### FIRST SPECIFICATION

The Hearing Committee concludes that the evidence supports sustaining the charge of having committed misconduct as defined in Educ. Law §6530(9)(d).

VOTE: Sustained (3-0)

##### SECOND SPECIFICATION

The Hearing Committee concludes that the evidence supports sustaining the charge of having committed professional misconduct as defined in Educ. Law §6530(9)(b).

VOTE: Sustained (3-0)

### THIRD SPECIFICATION

The Hearing Committee concludes that the evidence supports sustaining the charge of having committed professional misconduct as defined in Educ. Law §6530(9)(a)(iii).

VOTE: Sustained (3-0)

### HEARING COMMITTEE DETERMINATIONS

The Department met its burden of proving by a preponderance of the evidence that the Respondent committed professional misconduct as alleged in the Statement of Charges. The evidence shows that the Respondent's license to practice medicine was revoked by the CMB in part for engaging in fraudulent conduct when renewing her license. The CMB had previously suspended the Respondent's license to practice medicine based on her positive drug screen for an illegal drug. In addition, the Respondent was convicted of theft on two separate occasions; which would have constituted crimes if committed in New York State. The consequences of the Respondent's actions constitute professional misconduct under the laws of New York State as defined in Educ. Law §§6530(9)(d), 6530(9)(b), and 6530(9)(a)(iii).

In considering the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties; the Hearing Committee noted the nature and severity of the Respondent's actions that prompted revocation by the CMB; and the fact that although

the Respondent was duly served with notice of the hearing pursuant to PHL §230(10)(d), she failed to respond to the charges. Therefore, the Hearing Committee agrees with the Department's recommendation that the Respondent's medical license in New York State be revoked pursuant to PHL §230-a.

ORDER

IT IS HEREBY ORDERED THAT:

1. The specifications of professional misconduct as set forth in the Statement of Charges are sustained;
2. The Respondent's license to practice medicine is REVOKED; and
3. This Order shall be effective upon service on the Respondent in accordance with the Requirements of PHL §230(10)(h).

DATED: Albany, New York

7/31/ , 2019

  
Mohammad-Reza Ghazi-Moghadam, M.D.,  
Chairperson

Ronald Uva, M.D.  
Gail S. Homick-Herrling



To: Sapna Bhatia, M.D.



Ian H. Silverman, Esq.  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower Building – Room 2512  
Empire State Plaza  
Albany, New York 12237

## APPENDIX I

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

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

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

DATE: May 22, 2019  
Albany, New York

  
Timothy J. Mahaf  
Deputy Counsel  
Bureau of Professional Medical Conduct