

IN THE MATTER
OF
GAUTAM SEHGAL, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: GAUTAM SEHGAL, 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 GAUTAM SEHGAL, M.D. (henceforth "Respondent"), New York license number 140763, 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 1, 2018


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

Inquiries should be directed to:

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

cc: Joseph M. Gorrell, Esq.
Brach Eichler, LLC
101 Eisenhower Pkwy
Roseland, New Jersey 07068

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

IN THE MATTER
OF
GAUTAM SEHGAL, M.D.

NOTICE
OF
HEARING

TO: GAUTAM SEHGAL, M.D.



JOSEPH M. GORRELL, ESQ.
Brach Eichler, LLC
101 Eisenhower Parkway
Roseland, New Jersey 07068

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 November 14, 2018, 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 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

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

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.

DATED: Albany, New York
October 2, 2018


MICHAEL A. HISER
Deputy Counsel
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

Pooja Rawal
Senior Attorney
Bureau of Professional Medical Conduct
Corning Tower – Room 2512
Empire State Plaza
Albany, NY 12237
(518) 473-4282

IN THE MATTER
OF
GAUTAM SEHGAL, M.D.

STATEMENT
OF
CHARGES

GAUTAM SEHGAL, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 30, 1979 by the issuance of license number 140763 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about March 23, 2018, the Respondent pled guilty to and was convicted of one count of Health Care Fraud, Intentional Fraud by Practitioner, Second Degree (NJ Rev. Stat. § 2C:21-4.3A) ("Health Care Fraud") , one count of Conspiracy to Commit Bribery (NJ Rev. Stat. §§ 2C:5-2A(2), 2C:21-10A(1)) ("Conspiracy"), and one count of Commercial Bribery and Breach of Duty to Act Disinterestedly, Third Degree (NJ Rev. Stat. § 2C:21-10A(3) ("Bribery") in the Superior Court of New Jersey. The Respondent was sentenced to two years' probation on the Health Care Fraud conviction and sentenced to two years' probation on the Conspiracy and Bribery convictions, with both terms to run concurrently. The Respondent was ordered to make restitution in the amount of \$17,500.00. On or about September 25, 2017, the NJSBME issued a Final Order allowing the Respondent to surrender his license based on these convictions.

B. The conduct resulting in the New Jersey convictions against the Respondent would constitute a crime under the laws of New York State pursuant to the following section of New York State Law:

1. New York Penal Law § 177.05, Health Care Fraud in the Fifth Degree, a class A misdemeanor; and/or
2. New York Penal Law § 180.03, Commercial Bribery in the First Degree, a class E felony; and/or
3. New York Penal Law § 180.05, Commercial Bribe Receiving in the Second Degree, a class A misdemeanor.

C. On or about August 11, 2014, a Complaint was filed against the Respondent by the New Jersey State Board of Medical Examiners. The complaint alleged the Respondent caused several patients to undergo excessive and/or unnecessary electrodiagnostic testing, including nerve conduction studies and needle electromyography. The Respondent allegedly failed to maintain proper patient records, falsely advertised his professional credentials and engaged in fraudulent billing.

D. On or about July 28, 2015, the Respondent filed a Registration Renewal Application with the New York State Department of Education. Respondent answered "no" to the question "Since your last registration application, are charges pending against you in any jurisdiction for any sort of professional misconduct?" even though

the Complaint had been filed on or about August 11, 2014, and charges were, in fact, pending with the New Jersey Board of Medical Examiners. Respondent answered "no" knowing, or having reason to know, and with intent to mislead, that his answer of "no" was false.

SPECIFICATION OF CHARGES

FIRST 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 as alleged in the facts of the following:

1. The facts in Paragraphs A, B and/or B1 and/or B2 and/or B3.

SECOND 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 as alleged in the facts of the following:

2. The facts in Paragraphs A, B and/or B1 and/or B2 and/or B3.

THIRD SPECIFICATION

FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law § 6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. The facts in Paragraph C and D.

DATE: October 2, 2018
Albany, New York


Michael A. Hiser
Deputy Counsel
Bureau of Professional Medical Conduct