



Department of Health

ANDREW M. CUOMO
Governor

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

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

March 3, 2020

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Gurpreet Bajwa, M.D.
[REDACTED]

Pooja Rawal, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Gurpreet Bajwa, M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 20-049) 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,

A solid black rectangular box redacting the signature of James F. Horan.

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

COPY

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IN THE MATTER : DETERMINATION
OF : AND
GURPREET BAJWA, M.D. : ORDER
: 20-049
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A hearing was held on February 20, 2020, 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), LYON M. GREENBERG, M.D., Chairperson, KENNETH J. STEIER, M.D., and GEORGIA K. MILLOR, Ph.D., RN, duly designated members of the State Board for Professional Medical Conduct (BPMC), served as the Hearing Committee in this matter. JEAN T. CARNEY, ADMINISTRATIVE LAW JUDGE (ALJ), served as the Administrative Officer.

The Department appeared by Senior Attorney Pooja Rawal. The Respondent failed to appear. Jurisdiction over the Respondent was obtained by service of the Notice of Referral Proceeding and Statement of Charges. The Hearing Committee received and examined documents from the Department (Exhibits 1-4), 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 (Educ. Law) §6530(9)(d), and that pursuant to PHL §230-a, the penalty of revocation 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 Educ. Law §6530(9).

The Respondent is charged with professional misconduct pursuant to Educ. Law §6530(9)(d), 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.

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 holds a license to practice medicine in New York State by license number 224792, issued on May 16, 2002. (Exhibit 2).

2. On May 10, 2019, in lieu of proceeding to a formal administrative proceeding, the Respondent executed a Consent Order with the Virginia Board of Medicine (Virginia Board) revoking his license to practice medicine in the Commonwealth of Virginia. (Exhibit 4).

3. The Virginia Board found the Respondent incompetent to practice medicine with safety to his patients and the public due to excessively prescribing controlled substances in a dangerous manner; and maintaining deficient medical records. Specifically, the Virginia Board found that the Respondent prescribed controlled substances to 20 patients without adequately documenting the need for said medications. The Respondent failed to conduct comprehensive physical exams, document any medical history of current and past treatments, conduct mental status exams, and discuss any potential for substance misuse or addiction. The Respondent failed to monitor and manage his patients' use of multiple controlled substances known to have a high abuse potential, authorizing prescriptions prior to the time the patients should have needed more medication; and prescribing doses greater than the recommended amounts. (Exhibits 3 and 4).

4. In 2012, the Virginia Board disciplined the Respondent for committing substantially similar violations. As a result of that previous Order, the Respondent completed continuing medical education in the proper prescribing of controlled substances and medical recordkeeping. (Exhibit 4).

VOTE OF THE HEARING COMMITTEE

SPECIFICATION OF CHARGES

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)

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 entered into a Consent Order with the Virginia Board, resulting in his license to practice medicine being revoked. The Virginia Board found that the Respondent was incompetent to practice medicine with safety to his patients and the public due to excessively prescribing controlled substances in a dangerous manner; and maintaining deficient medical records. If the Respondent had engaged in the same conduct in New York State, his conduct would have constituted professional misconduct under the laws of the State of New York as defined in Educ. Law §6530(9)(d).

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 notes the failure of the Respondent to respond to the allegations, or appear at the hearing, despite being duly served. The

Hearing Committee also notes that the Respondent's underlying conduct demonstrates a recurring pattern of behavior that places the public at considerable risk. 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.

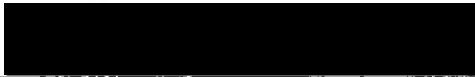
ORDER

IT IS HEREBY ORDERED THAT:


1. The specification of professional misconduct as set forth in the Statement of Charges is sustained;
2. The Respondent's license to practice as 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

Feb 27th, 2020


Lyon M. Greenberg, M.D., Chairperson
Kenneth J. Steier, M.D.
Georgia K. Millor, Ph.d., RN

To: Gurpreet Bajwa, M.D.


Pooja Rawal, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building - Room 2512
Empire State Plaza
Albany, New York 12237

APPENDIX I

IN THE MATTER
OF
GURPREET BAJWA, M.D.

STATEMENT
OF
CHARGES

GURPREET BAJWA, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 16, 2002, by the issuance of license number 224792 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 10, 2019, the Virginia Board of Medicine ("Virginia Board") issued a Consent Order ("Order") against the Respondent's Virginia medical license. The Order revoked the Respondent's Virginia medical license. The Order was based on the findings that the Respondent excessively prescribed controlled substances in a dangerous manner likely to harm patients and the public and maintained deficient medical records.
- B. The Conduct resulting in the Virginia Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State pursuant to the following section of New York State Law:
1. N.Y. Educ. Law § 6530(5) (Practicing the profession of medicine with incompetence on more than one occasion); and/or

2. N.Y. Educ. Law § 6530(3) (Practicing the profession of medicine with negligence on more than one occasion); and/or
3. N.Y. Educ. Law § 6530(32) (Failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATION OF CHARGES

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 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:

1. Paragraph A and B and B1 and/or A and B and B2 and/or A and B and B3.

DATE: January 7, 2020
Albany, New York


Henry Weintraub /
Chief Counsel
Bureau of Professional Medical Conduct