



Department of Health


ANDREW M. CUOMO
Governor

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

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

March 9, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Sampath Kumar Suryadevara, M.D.


David W. Quist, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building, 25th Floor
Empire State Plaza
Albany, New York 12237

RE: In the Matter of Sampath Kumar Suryadevara

Dear Parties:

Enclosed please find the Determination and Order (No. 21-051) 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:
Enclosure

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

COPY

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IN THE MATTER :
OF : DETERMINATION
SAMPATH KUMAR SURYADEVARA, M.D. : AND
: ORDER
: BPMC-21-051
-----x

In accordance with Public Health Law (PHL) § 230, and the New York State Administrative Procedure Act (SAPA) Article 3, a hearing was held by videoconference on February 18, 2021. Pursuant to PHL § 230(10)(e), William A. Tedesco, M.D., Chairperson, Susan C. Ferrary, M.D., and Janet Axelrod, Esq., 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 Associate Attorney David W. Quist. The Respondent failed to appear¹. Jurisdiction over the Respondent was obtained by personal service of the Notice of Referral Proceeding, and Statement of Charges. The Hearing Committee received and examined documents from the Department (Exhibits 1-4). A stenographic reporter prepared a transcript of the proceeding. After consideration of the

¹ The Respondent was given information on how to participate at the hearing remotely; but failed to make any attempt to participate. The hearing proceeded in his absence. (Exhibits 1 and 2)

entire record, the Hearing Committee sustains the charge that the Respondent committed professional misconduct in violation of Educ. Law § 6530(9)(d); and that pursuant to PHL § 230-a, the penalty of revocation is appropriate.

BACKGROUND

The Department brought this 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 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 was authorized to practice medicine in New York State on July 1, 1993, by the issuance of license number 192840. (Exhibit 3).

2. On September 12, 2019, the Respondent entered into a Stipulated Settlement with the Medical Board of California (CA Board) which resulted in a Decision dated October 29, 2019, effective on November 27, 2019, revoking the Respondent's license to practice medicine, staying the revocation and placing the Respondent on probation for five years under certain terms and conditions. (Exhibit 4).

3. The CA Board's disciplinary action against the Respondent was based on allegations that he prescribed large doses of Schedule II controlled substances for several patients without conducting a thorough examination and history, or having a pain medication agreement, or checking for a history of substance abuse as required by California law; failing to adequately document the necessity for the pain medication; and allowing his staff to complete pre-signed physician orders. (Exhibit 4).

VOTE OF THE HEARING COMMITTEE

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 had disciplinary action taken by the CA Board which imposed a stayed revocation of the Respondent's medical license, and

imposed five years monitored probation for practicing the profession with gross negligence; repeated acts of negligence; incompetence; permitting, aiding or abetting unlicensed practice; failure to substantially comply with state law governing the practice of medicine; and failing to maintain records which accurately reflects the evaluation and treatment of his patients. If committed in New York State, the Respondent's actions would establish professional misconduct pursuant to Educ. Law §§ 6530(3), (4), (5), (11), (16) and (32). The committee concludes that the Respondent's actions constitute professional misconduct 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 noted that the Respondent failed to respond to the charges, despite being given the opportunity to do so. The Hearing Committee considered the serious nature of the charges, and that the Respondent's conduct placed the public at risk of harm. 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.

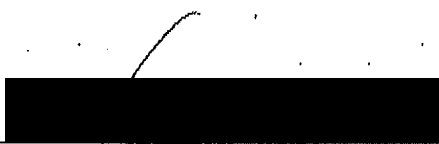
ORDER

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 medicine is revoked pursuant to PHL § 230-a(4); 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

3/8, 2021


William A. Tedesco, M.D., Chairperson
Susan C. Ferrary, M.D.
Janet Axelrod, Esq.

To: Sampath Kumar Suryadevara, M.D.


David W. Quist, Esq.
Associate Attorney
Bureau of Professional Medical Conduct
Corning Tower Building – 25th Floor
Empire State Plaza
Albany, New York 12237

APPENDIX A

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

IN THE MATTER

OF

SAMPATH KUMAR SURYADEVARA, M.D.

STATEMENT

OF

CHARGES

SAMPATH KUMAR SURYADEVARA, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 1, 1993, by the issuance of license number 192840 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 29, 2019, the Medical Board of California ("Board") issued a Decision, adopting a Stipulated Settlement and Disciplinary Order ("Settlement") signed by Respondent on or about September 12, 2019. The case addressed allegations in an Accusation (case no. 800-2017-032536), filed on or about May 14, 2019.

B. Pursuant to the Settlement, Respondent did not contest allegations addressing his prescribing of, and practices related to patients receiving, controlled substances. Collectively, those actions involved three patients and constituted gross negligence (2 patients), repeated negligent acts (3 patients), prescribing without exam/indication (3 patients), excessive prescribing (3 patients), inadequate records (3 patients), prescribing to an addict (1 patient), aiding and abetting the unlicensed practice of medicine (1 patient), and incompetence. Accordingly, the Board imposed a stayed revocation of Respondent's medical license and imposed five year's monitored

probation including terms precluding him from ordering, prescribing, dispensing, administering, furnishing or possessing any controlled substances listed on Schedule II and III under the California Uniform Controlled Substances Act, requiring that he maintain and allow access to records of his prescribing or other use of controlled substances in his practice, and that he complete a clinical competence assessment program, among other requirements, both as to the probation and generally.

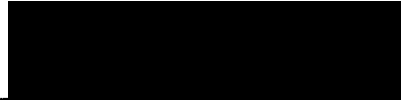
C. The conduct resulting in the Board's Decision and Order against Respondent would constitute misconduct under the laws of New York State pursuant to New York Education Law Section 6530(3) (negligence), (4) (gross negligence), (5) (incompetence), (11) (permitting, aiding or abetting unlicensed practice), (16) (failure to comply with law, rule, or regulation governing practice of medicine), and/or (32) (failure to maintain an accurate record).

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(3), (4), (5), (11), (16), and/or (32)) as alleged in the facts of the following:

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

DATE: January 5, 2021
Albany, New York



Timothy J. Mahar
Deputy Counsel
Bureau of Professional Medical Conduct