



Department of Health

KATHY HOCHUL
Governor

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

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

September 13, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower Building, Room 2512
Albany, New York 12237

Sanjay Kumar, MD
[REDACTED]
FCI Butner Low
Old NC Highway 75
Butner, North Carolina 27509

RE: In the Matter of Sanjay Kumar, MD

Dear Parties:

Enclosed please find the Determination and Order (No. 21-188) 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.

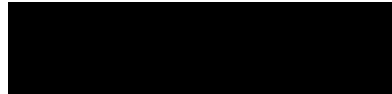
The notice of review served on the Administrative Review Board should be forwarded to:

Jean T. Carney, 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 Ms. Carney 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

COPY

In the matter of

Sanjay Kumar, MD
NYS license # 226226

**Determination
and Order**

BPMC-21-188

A notice of referral proceeding and statement of charges, both dated July 8, 2021, were served on Respondent **Sanjay Kumar, MD**. The statement of charges alleged professional misconduct in violation of New York State Education Law 6530. (Exhibit 1.) A hearing was held at offices of the New York State Department of Health on September 1, 2021, by videoconference.

Pursuant to Public Health Law (PHL) 230(10)(e), **Robert A. Dracker, MD**, Chair, **Ashwani Chhibber, MD**, and **Gail S. Homick Herrling**, duly designated members of the State Board for Professional Medical Conduct, served as the hearing committee. **John Harris Terepka**, Administrative Law Judge, served as the administrative officer.

The Department of Health (the Petitioner) was represented by **Marc S. Nash, Esq.** **Sanjay Kumar, MD** (the Respondent) did not appear, although duly served with notice of the hearing in conformity with the requirements of PHL 230(10)(d). (Exhibit 2.) After consideration of the entire record, the hearing committee issues this determination and order sustaining the charges and revoking the Respondent's license to practice medicine.

JURISDICTION

The Respondent, a physician, has been charged with misconduct pursuant to Ed.L 6530(9)(a)(ii). Pursuant to PHL 230(10)(p), a hearing on limited issues, or "direct referral

proceeding,” is authorized when a licensee is charged solely with a violation of Ed.L. 6530(9). Charges of misconduct under Ed.L. 6530(9) are based upon a criminal conviction or an administrative violation, in New York State or another jurisdiction, establishing conduct that would constitute a crime or professional misconduct if committed in New York. The scope of the hearing is limited to whether there is a relevant conviction or administrative determination and if so, to a determination of the nature and severity of the penalty to be imposed. PHL 230(10)(p). Hearing procedures are set forth in Department of Health regulations at 10 NYCRR Part 51.

EVIDENCE

The Petitioner relied on documents presented at the hearing (Exhibits 1-5.) A transcript of the hearing was made.

FINDINGS OF FACT

1. Respondent Sanjay Kumar, MD was authorized to practice medicine in New York State on September 4, 2002 under license number 226226. (Exhibit 3.)
2. On September 8, 2020, in the United States District Court, Eastern District of North Carolina, the Respondent was convicted of five felony counts of Unlawful Dispensation and Distribution of Oxycodone, in violation of 21 U.S.C. 841, five felony counts of Money Laundering, in violation of 18 U.S.C. 1956, and three felony counts of Attempt to Evade or Defeat Tax, in violation of 26 U.S.C. 7201. Respondent was sentenced to 240 months imprisonment followed by supervised release, assessed \$1,300, fined \$50,000 and ordered to pay restitution of \$471,758.40. (Exhibit 4.)

HEARING COMMITTEE DETERMINATION

After reviewing records obtained from the United States District Court of North Carolina (Exhibits 4, 5), the hearing committee unanimously determined that, as alleged in

Sanjay Kumar, MD

3

the statement of charges, the Respondent violated Ed.L 6530(9)(a)(ii) which defines professional misconduct, in pertinent part, as:

- 9. (a) Being convicted of committing an act constituting a crime under... (ii) federal law.

At the hearing, the Petitioner withdrew a charge that the Respondent also violated Ed.L 6530(9)(d) as a result of the revocation of his North Carolina medical license.

The Respondent was found guilty of extensive drug trafficking involving Oxycodone, money laundering, and tax evasion. (Exhibit 5.) The hearing committee unanimously agreed that this evidence warranted the revocation of his New York medical license.

ORDER

IT IS HEREBY ORDERED THAT:

- 1. The Respondent's license to practice medicine in New York State is revoked.

This order shall be effective upon service on the Respondent by personal service or by registered or certified mail as required under PHL 230(10)(h).

Dated: Albany, New York

By:

[Redacted Signature]

Sept 10, 2021

Robert A. Dracker, MD, Chair

Ashwani Chhibber, MD
Gail S. Homick Herrling

To: Marc S. Nash, Esq.
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, New York 12237

[Redacted Address Line]

Sanjay Kumar, MD
[Redacted Address Line]
FCI Butner Low
Old NC Highway 75
Butner, North Carolina 27509

APPENDIX I

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

IN THE MATTER
OF
SANJAY KUMAR, M.D.

STATEMENT
OF
CHARGES

SANJAY KUMAR, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 4, 2002, by the issuance of license number 226226 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about September 8, 2020, in the United States District Court, Eastern District of North Carolina, Respondent was convicted of five felony counts of Unlawful Dispensation and Distribution of Oxycodone [21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)], five felony counts of Money Laundering [18 U.S.C. §§ 1956(a)(1)(B)(i) and 1956(a)(1)(B)(ii)] and three felony counts of Attempt to Evade or Defeat Tax [26 U.S.C. §7201]. Respondent was sentenced to a total of 240 months' imprisonment followed by three years of supervised release, assessed \$1,300.00, fined \$50,000.00, and ordered to pay restitution of \$471,758.40.

B. On or about February 27, 2021, the North Carolina Medical Board (hereinafter, "North Carolina Board") issued a Findings of Fact, Conclusions of Law, and Order of Discipline which revoked Respondent's license pursuant to the thirteen felony convictions listed in Paragraph A.

C. The conduct resulting in the North Carolina 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. New York Education Law § 6530(9)(a)(ii) (Being convicted of committing an act constituting a crime under federal law)

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

Respondent violated Education Law § 6530(9)(a)(ii) by having been convicted of an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

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 the Respondent's license to practice medicine revoked, suspended or having other disciplinary action taken, or having the Respondent's application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered the Respondent's 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(9)(a)(ii)) as alleged in:

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

DATE: July 8, 2021
Albany, New York


JEFFREY J. CONKLIN
Acting Deputy Counsel
Bureau of Professional Medical Conduct