



Department of Health

KATHY HOCHUL
Governor

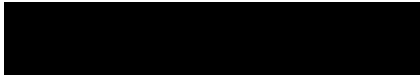
JAMES V. McDONALD, M.D., M.P.H.
Commissioner

JOHANNE E. MORNE, M.S.
Acting Executive Deputy Commissioner

January 3, 2024

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Amarjit Atwal, M.D.



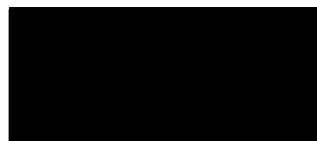
Re: License No. 131796

Dear Dr. Atwal:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 24-002. This order and any penalty provided therein goes into effect January 10, 2024.

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,



David Besser, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Robert J. Portin, Esq.
Barclay Damon
The Avant Building
200 Delaware Avenue, Suite 1200
Buffalo, New York 14202

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

BPMC No. 24-002

IN THE MATTER
OF
AMARJIT ATWAL, M.D.

CONSENT
ORDER

Upon the application of (Respondent) AMARJIT ATWAL, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

It is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,

either

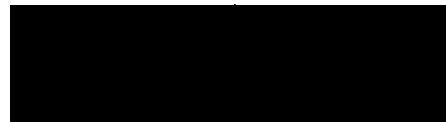
by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 01/02/2024



THOMAS T. LEE, M.D.
Chair
State Board for Professional Medical Conduct

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

IN THE MATTER
OF
AMARJIT ATWAL, M.D.

CONSENT
AGREEMENT

AMARJIT ATWAL, M.D., represents that all of the following statements are true:

That on or about July 29, 1977, I was licensed to practice as a physician in the State of New York, and issued License No. 131796 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the Statement of Charges, in full satisfaction of the charges against me, and agree to the following penalty:

- Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

- Pursuant to N.Y. Pub. Health Law § 230-a(8), I shall be required to enroll in and successfully complete a continuing education course in the area of medical recordkeeping, and the course shall be subject to the Director of OPMC's prior written approval.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a.

That, as a condition of this Order, Respondent, who has not performed surgery as part of his medical practice since early 2020 following his decision (of his own volition and in no way related to the Consent Order or any other OPMC investigation or proceeding) to permanently retire from performing surgery, agrees not to resume performing surgery without providing prior written notice to, and receiving prior written approval from, the Director of OPMC. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law section 230, shall constitute professional misconduct as defined in N.Y. Educ. Law section 6530(29).

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with

the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the Department all information required by the Department to develop a public physician profile for the licensee; continue to notify the Department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update the Licensee's profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to the Licensee's physician profile information either electronically using the Department's secure web site or on forms prescribed by the Department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the Department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as

Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 6530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician

Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

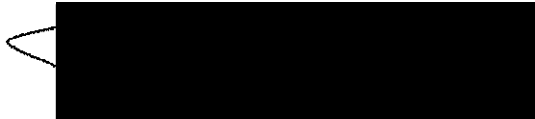
DATE

12-18-23
AMARJIT ATWAL, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE:

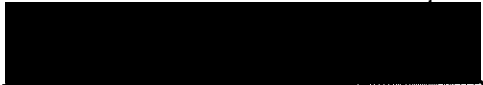
12/18/23



ROBERT J. PORTIN, ESQ.
Attorney for Respondent

DATE:

Dec. 19, 2023



NATHANIAL WHITE
Associate Counsel
Bureau of Professional Medical Conduct

DATE:

12-27-2023



SHELLY/WANG BANDAGO
Director
Office of Professional Medical Conduct

EXHIBIT A

IN THE MATTER

OF

AMARJIT S. ATWAL, M.D.

STATEMENT

OF

CHARGES

AMARJIT S. ATWAL, M.D., the Respondent, was authorized to practice medicine in New York State on or about July 29, 1977 by the issuance of license number 131796 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, an Ophthalmologist, evaluated Patient A (patients are identified in appendix "A") on or about October 26, 2016 for possible cataract and complaints of blurred vision in the left eye. On or about November 15, 2016, Respondent performed surgery on Patient A's left eye to address the cataracted lens while also performing a planned vitrectomy in the left eye. Respondent's treatment of Patient A deviated from accepted recordkeeping standards of care in that:

1. Respondent performed a planned vitrectomy of Patient A's left eye without documenting adequate medical indication for performing the vitrectomy.
2. Respondent failed to document any referral of Patient A to a specialist for evaluation of Patient A's left eye vitreous and/or failed to document any discussion with Patient A about the option to see a specialist for a vitrectomy.
3. Respondent failed to maintain an adequate treatment record for Patient A.

B. Respondent first evaluated Patient B on or about September 6, 2016 for possible cataracted lenses in both eyes. Respondent performed surgery on Patient B's right

eye on or about September 27, 2016 to address the cataracted lens while also performing a planned vitrectomy in the right eye. Respondent performed surgery on Patient B's left eye on or about November 16, 2016 to address the cataracted lens while also performing a planned vitrectomy in the left eye. Respondent's treatment of Patient B deviated from accepted recordkeeping standards of care in that:

1. Respondent failed to document Patient B's best corrected visual acuity prior to performing surgery.
2. Respondent performed a vitrectomy on Patient B's right eye without documenting an adequate medical indication for performing the vitrectomy.
3. Respondent performed a vitrectomy on Patient B's left eye without documenting an adequate medical indication for performing the vitrectomy.
4. Respondent failed to document any referral of Patient B to a specialist for evaluation of Patient B's right and left vitreouses and/or failed to document any discussion with Patient B about the option to see a specialist for a vitrectomy.
5. Respondent failed to maintain an adequate treatment record for Patient B.

C. Respondent first evaluated Patient C on or about April 26, 2018 for possible cataracted lens and glaucoma. Visual acuity in Patient C's left eye was documented as very poor. Respondent performed surgery on Patient C's left eye on or about June 26, 2018 to address the cataracted lens while also performing a planned vitrectomy in the left eye. Respondent's treatment of Patient C deviated from accepted recordkeeping standards of care in that:

1. Respondent performed a vitrectomy on Patient C's left eye without documenting an adequate medical indication for performing the vitrectomy.
2. Respondent failed to document any referral of Patient C to a specialist for evaluation of Patient C's vitreous and/or failed to document any discussion with Patient C about the option to see a specialist for a vitrectomy.
3. Respondent failed to adequately document the surgical procedure of Patient C's left eye including failing to accurately document Respondent's basis for performing the vitrectomy and/or failing to accurately document the position where the new lens was placed.

4. Respondent failed to maintain an adequate treatment record for Patient C.

SPECIFICATION OF CHARGES
FAILURE TO MAINTAIN RECORDS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(32) by failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, as alleged in the facts of:

1. Paragraphs A and A.1, A and A.2, A and A.3, B and B.1, B and B.2, B and B.3, B and B.4, B and B.5, C and C.1, C and C.2, C and C.3, and/or C and C.4.

DATE: *December 19, 2023*
Albany, New York


JEFFREY J. CONKLIN
Deputy Director
Bureau of Professional Medical Conduct