



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H.
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NYS Department of Health
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Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

January 25, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Nirupa Harin, M.D.
37 Greta Place
Staten Island, NY 10301

RE: License No. 160491

Dear Dr. Harin:

Enclosed please find Order #BPMC 00-20 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 25, 2000**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1315
Empire State Plaza
Albany, New York 12237

Sincerely,



Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Jeffrey Ruggiero, Esq.
Lester, Schwab, Katz & Dwyer, LLP
120 Broadway
New York, NY 10271-0071

Daniel Guenzburger, Esq.

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

**IN THE MATTER
OF
NIRUPA HARIN, M.D.**

**CONSENT
AGREEMENT
AND
ORDER
BPMC #00-20**

**STATE OF NEW YORK)
COUNTY OF NEW YORK) so.:**

Nirupa Harin, M.D., (Respondent) being duly sworn, deposes and says:
That on or about October 5, 1984, I was licensed to practice as a
physician in the State of New York, having been issued License No. 160491 by
the New York State Education Department.

My current address is 37 Greta Place, Staten Island, New York 10301, and
I will advise the Director of the Office of Professional Medical Conduct of any
change of my address.

I understand that the New York State Board for Professional Medical
Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof,
and marked as Exhibit "A".

I deny the factual allegations of the first specification of misconduct and
agree not to contest the factual allegations of the second specification of
misconduct, in full satisfaction of the charges against me. I hereby agree to the
following penalty:

A five thousand dollar (\$5,000.00) fine.

I further agree that the fine shall be paid by check made
payable to the NYS Department of Health and mailed to the

Bureau of Accounts Management, NYS department of Health, Corning Tower Building, Empire State Plaza, Albany, New York 12237-0030 within Sixty (60) days of the effective date of order.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1999).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 12/21/99

Nirupa Harin
Nirupa Harin, M.D.
RESPONDENT

Sworn to before me
on this 21 day of
Dec 1999

[Signature]
NOTARY

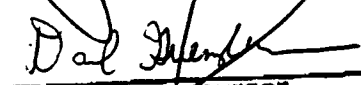
EDWARD BRANCALE
Notary Public, State of New York
No. 43-4933149
Qualified in Richmond County
Term Expires July 25, 2000

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: 1/11/2000


Jeffrey Ruggiero, ESQ.
Attorney for Respondent

DATE: 1/13/2000


Daniel Guenzburger
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: January 14, 2000


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
NIRUPA HARIN, M.D.

CONSENT
ORDER

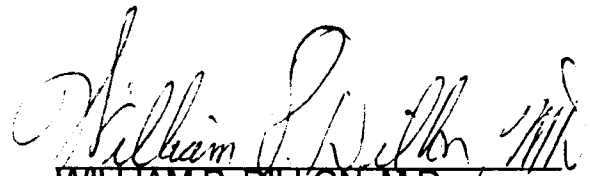
Upon the proposed agreement of , M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 1/18/00


WILLIAM P. DILLON, 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
NIRUPA HARIN, M.D.

STATEMENT
OF
CHARGES

NIRUPA HARIN, M.D., the Respondent, was authorized to practice medicine in New York State on or about October 5, 1984, by the issuance of license number 160491 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 2, 1994, Brij J. Mittal, M.D. applied to the New York City Department of Health ("NYCDOH") for a license to use radioactive materials. Respondent provided Dr. Mittal with a letter dated October 4, 1994 for him to submit to the NYCDOH along with his application. Respondent represented in the letter that Dr. Mittal had performed a preceptorship in nuclear medicine and nuclear cardiology at Victory Memorial Hospital between July 1, 1991, and September 30, 1994, that during the preceptorship Dr. Mittal acquired experience in health physics, radiopharmaceutical preparation, technical and administrative procedures, and that he participated in the performance of hundreds of procedures using radioactive material, for a total of 1500 hours of supervised clinical and work experience. On or about April 18, 1995, the NYCDOH issued Dr. Mittal a Radioactive Materials License.
Respondent:

1. Knowingly and falsely represented in the letter that Dr. Mittal had performed a preceptorship, when, in fact, she knew that he had

not performed a preceptorship. Respondent intended to mislead.

2. Willfully filed a false report.

SPECIFICATION OF CHARGES

**FIRST SPECIFICATION
FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1999) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A and A1.

**SECOND SPECIFICATION
FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21)(McKinney Supp. 1999) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, or inducing another person to do so, as alleged in the facts of:

2. Paragraphs A and A2.

DATED: December , 1999
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct