



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

June 8, 1994

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Yoosuf A. Haveliwala, M.D.
Apt. 233
177 Main Street
Fort Lee, New Jersey 07024-0000

RE: License No. 107399
Effective Date 6/15/94

Dear Dr. Haveliwala:

Enclosed please find Order #BPMC 94-78 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

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

IN THE MATTER
OF
YOOSUF A. HAVELIWALA, M.D.,
Respondent

ORDER
BPMC # 94-78

Upon the application of YOOSUF A. HAVELIWALA, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED:

1 June 1994

Charles J. Vacanti

Charles J. Vacanti, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

-----X

IN THE MATTER : APPLICATION
OF : FOR
YOOSUF A. HAVELIWALA, M.D., : CONSENT
Respondent : ORDER

-----X

YOOSUF A. HAVELIWALA, M.D., being duly sworn, deposes and says:

That on or about October 8, 1970, I was licensed to practice as a physician in the State of New York, having been issued License No. 107399 by the New York State Education Department.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York for the period January 1, 1993 through December 31, 1994.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct.

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

I admit guilt to the specification in full satisfaction of the charges against me.

I hereby agree to the penalty that my license to practice medicine shall be suspended for a period of two years, that the final eighteen months of said suspension shall be stayed and that

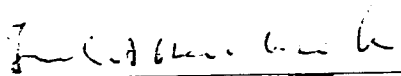
I will be placed on probation for said eighteen months subject to the terms enumerated in Exhibit B. I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

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 am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

REPUBLIC OF INDIA
STATE OF MAHARASHTRA
CITY OF PUNE
CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA } SS


YOOSUF A. HAVELIWALA, M.D.
RESPONDENT

Subscribed and
Sworn to before me this

16th day of May

, 1994 .


~~NOTARY PUBLIC~~

DAVID K. YOUNG
VICE CONSUL

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

-----X
IN THE MATTER : APPLICATION
OF : FOR
YOOSUF A. HAVELIWALA, M.D., : CONSENT
Respondent : ORDER
-----X

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

DATE: May 14, 1994

Yoosuf A. Haveliwala
YOOSUF A. HAVELIWALA, M.D.
Respondent

DATE: May 11, 1994

Joel Cohen
JOEL COHEN, ESQ.
Attorney for Respondent

DATE: May 19, 1994

Frederick Zimmer
FREDERICK ZIMMER
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE:

June 6, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
DIRECTOR
Office of Professional Medical
Conduct

DATE:

1 June 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
CHAIRPERSON
State Board for Professional
Medical Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. YOOSUF A. HAVELIWALA, M.D, Respondent during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Department of Health, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State

Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.

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

-----X
IN THE MATTER : STATEMENT
OF : OF
YOOSUF A. HAVELIWALA, M.D. : CHARGES
Respondent :
-----X

YOOSUF A. HAVELIWALA, M.D., the Respondent, was authorized to practice medicine in New York State on October 8, 1970 by the issuance of license number 107399 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period of January 1, 1993 through December 31, 1994 with a current registration address of 177 Main Street, Apt. 233, Fort Lee, New Jersey 07024.

FACTUAL ALLEGATIONS

A. The United States District Court for the Southern District of New York State by a Judgment and Probation/Commitment Order, filed with the Southern District Court of New York State on July 30, 1993, found Respondent guilty of one count of violating 18 U.S.C. §371 [conspiracy to commit any offense against the United States, or to defraud the

United States, or any agency thereof] in that Respondent conspired to solicit and receive Medicaid kickbacks. The Court also found Respondent guilty of two counts of violating 42 U.S.C. §1396h(b)(1) (renumbered as 42 U.S.C. 1320a-7b(b)(1)) [knowing and willful solicitation or receipt of illegal Medicaid remunerations] and 18 U.S.C. §2 [commission of an offense against the United States or aiding, abetting, counseling, commanding, inducing or procuring its commission] in that Respondent solicited and received Medicaid kickbacks. Respondent received a one year suspended sentence to run currently for all counts, was placed on a five year period of probation and was assessed a fine of \$10,000.00 to be paid over the course of the five year period of probation. Respondent was additionally assessed a penalty of \$50.00 for each of the three counts.

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of his having been convicted of committing an act constituting a crime under federal law, in violation of N.Y. Educ.Law §6530(9)(a)(ii), (McKinney's Supp. 1994) in that Petitioner charges the facts in paragraph A.

DATED: Albany, New York

April 25, 1994

Peter D. Van Buren

PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct