

## THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N Y. 12230

OFFICE OF PROFESSIONAL DISCIPLINE, A.V. ZOGG BLDG., 800 FOURTH STREET, RM. 317, LIVERPOOL, NEW YORK 13088

8

August 22, 1997

Nirmal Kade, Physician 27 Driftwood Drive Port Washington, New York 11650

Re: Application for Restoration

Dear Dr. Kade:

Enclosed please find the Commissioner's Order regarding Case No. 97-80-668 which is in reference to Calendar No. 0016054. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

Gustave Martine

Supervisor

cc: Amy T. Kulb, Esq.
Jacobson & Goldberg
585 Stewart Avenue

Garden City, New York 11530

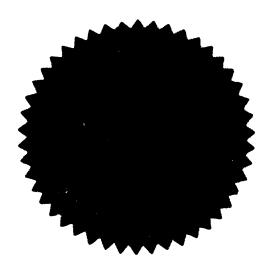


IN THE MATTER

of the

It appearing that the license of NIRMAL KADE, 27 Driftwood Drive, Port Washington, New York 11050, to practice as a physician in the State of New York, was revoked by action of the Board of Regents on April 18, 1989, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on July 18, 1997, it is hereby

ORDERED that the petition for restoration of License No. 154738, authorizing NIRMAL KADE, to practice as a physician in the State of New York, is denied, but that the execution of the revocation of said license is stayed, and that said NIRMAL KADE is placed on probation for a period of two years under the attached terms and conditions.



IN WITNESS WHEREOF, I, RICHARD H. CATE, Acting Commissioner of Education of the State of New York, for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department at the City of Albany, this 1974 day of August, 1997.

Acting Commissioner of Education

Case No. 97-80-60R

It appearing that the license of NIRMAL KADE, 27 Driftwood Drive, Port Washington, New York 11050, to practice as a physician in the State of New York, having been revoked by action of the Board of Regents on April 18, 1989, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on July 18, 1997 it was

VOTED that the petition for restoration of License No. 154738, authorizing NIRWAL KADE, to practice as a physician in the State of New York, be denied, but that the execution of the revocation of her license be stayed, and that said NIRWAL KADE be placed on probation for a period of two years, under specified terms and conditions.

# THE UNIVERSITY OF THE STATE OF NEW YORK The State Education Department

### Report of the Committee on the Professions Application for Restoration of Medical License

### Re: Mirmal Rade

### Attorney: Amy T. Kulb

Mirmal Kade, 27 Driftwood Drive, Port Washington, New York 11050, potitioned for restoration of her medical license. The chronology of events is as follows:

- 07/01/03 Issued license number 154738 to practice medicine in New York State.
- 12/83/87 Pled guilty to One Count of Grand Larceny, Fourth Degree, and One Count of Unauthorized Practice of a Profession. (See "Disciplinary History.")
- 05/19/06 Charged with prefessional miscondust by Department of Shestion.
- 03/15/89 Regents Review Committee recommended that license he reveked.
- 04/18/89 Regents voted revocation.
- 06/85/89 Commissioner's Order effective.
- 02/10/91 First petition for restoration submitted.
- 01/15/93 Report and recommendation of Peer Review Panel.
- 08/17/93 Report and recommendation of Committee on the Professions.
- 10/15/93 Board of Regents voted to deny restoration.
- 12/21/93 Commissioner's Order effective.
- 01/25/95 Second petition for restoration submitted.
- 08/16/96 Peer ReviewPanel restoration review.
- 11/27/96 Report and recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 05/07/97 Report and recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. (See attached Report of the Regents Review Committee.) On May 19, 1988, the Department of Health charged Dr. Kade with professional misconduct in that she had been convicted of committing an act constituting a crime under New York law. Dr. Kade had been convicted of One Count of Grand Larceny, Fourth Degree, a Class E Felony, and One Count of Unauthorised Practice of a Profession (Medicine), a Class E Felony. On March 4, 1988, Dr. Kade was sentenced to one month of intermittent incarceration (4 weekends), five years probation, and restitution in the sum of \$175,000 plus five percent interest surcharge. Dr. Kade had submitted and caused to be submitted claims for payment from Medicaid which contained false information and false statements. It was represented that certain Medicaid recipients had been examined and treated by Dr. Kade when, in truth and in fact, the recipients had been examined and treated by an individual Dr. Kada knew was not licensed as a physician or physician assistant in New York State. The unlicensed physician diagnosed, treated, and wrote prescriptions which had been pre-signed by Dr. Kade in her own name.

On May 19, 1988, the State Education Department charged Dr. Kade with professional misconduct based on her criminal conviction. The Regents Review Committee (Griffith, Belin, Pidarielle) recommended on March 15, 1989 that Dr. Kade's license be revoked. On April 18, 1989, the Board of Regents voted revocation, and the Commissioner's Order became effective June 5, 1989.

Dr. Kade submitted her first petition for restoration of her medical license on February 10, 1991. In its report dated January 15, 1993, the Feer Review Panel (Iraj, Lopez, Roman) recommended that the petition for restoration be denied. The Committee on the Professions (Cantres, Sauer, Munoz) met on August 17, 1993 and also recommended that Dr. Kade's petition for restoration of her medical license be denied. On October 15, 1993, the Board of Regents voted to deny Dr. Kade's petition for restoration of her medical license, and the Commissioner's Order became effective December 21, 1993. On January 25, 1995, Dr. Kade submitted her second petition for restoration.

Recommendation of the Poer Review Panel. (See attached Report of the Peer Review Panel.) The Peer Review Panel (Hannan, Lee, Diamond) met August 16, 1996. In its report dated November 27, 1996, the Panel recommended that the revocation of Dr. Kade's license be stayed, and that she be placed on probation for a period of two years under the standard terms of probation plus the following:

The applicant shall not practice medicine in the State of New York until either the applicant successfully completes, within the first year of the period of probation, a three month intensive retraining course for physicians offered in the Syracuse, New York area; or if that is not possible, until the applicant successfully completes, within a six month period during the period of probation, 150 category 1 continuing medical education credits, including family practice and general internal medicine.

Recommendation of the Committee on the Professions. On May 7, 1997, the Committee on the Professions (Duncan-Poitier, Ahearn, Muños) met with Dr. Mirmal Kade to consider her petition for the restoration of her license as a physician in New York State. Dr. Kade was accompanied by her attorney, Ms. Amy T. Kulb.

The Committee began the meeting by asking Dr. Kade to emplain in her eam words the sircumstances that led to the reveation of her license to practice medicine. Dr. Kade stated that in her private medical practice in Brooklyn she employed a person who was licensed to practice medicine in India but was not licensed in New York State. She said that he worked for her for 10 menths while he was waiting to get his license in this State. Dr. Kade said that when she went to California for one week, she left signed prescriptions for the unlicensed physician which she assumed he would just use for the patients for whom she had already prescribed medication. However, she indicated that she learned he was seeing patients on his own and writing all kinds of prescriptions. Dr. Kade told the Committee that he was arrested and then she was arrested.

In response to the Committee's inquiry, Dr. Kade said that at the time she "thought it was O.K." Further, she stated that "I thought he could be trained by me." Dr. Kade told the Committee that when she came to this country she was working under other physicians while awaiting licensure. Initially, she reported that she worked in a hospital, then in private practice, and later in both. Dr. Kade said that she was licensed in New Jersey also and continued working in that state until her license was revoked in 1990.

Dr. Kade said that she now realizes she employed the unlicensed physician for greed as she could see more patients and could get more money. She told the Committee she didn't have financial pressures. She reported that she was charged for Medicaid fraud because of the use of the unlicensed physician. Ms. Kulb explained that the \$80,000 amount was derived on the basis of all Medicaid billings from her office during the ten-month period of employing the unlicensed physician. Ms. Kulb reported

that no differentiation was made between whether Dr. Kade or the unlicensed physician saw the patients.

Dr. Kade said that to her knowledge nobody was harmed. She told the Committee that even though the person was unlicensed in New York State, he had medical credentials from India and, except for the one week period, worked under her supervision. Dr. Kade stated that she was not the same person as she was ten years ago. She said that she now knows the laws, knows that professionals need to be screened, and knows how to treat the public. Dr. Kade indicated that, initially, she was in denial and couldn't admit it. She stated that she has "now come to grips" and realizes what she did was wrong. She said that she didn't want to put her patients in danger but realizes she violated their trust and put them in danger. Dr. Kade told the Committee that she is now a middle-aged wemen who lost ten years and wants to help the community and petients.

When asked about the Peer Review Panel's recommendation for probation, Dr. Kade responded that she would do anything to ence again practice medicine. She said that she has confidence that she can get a job but realizes that her criminal conviction could present a problem. Dr. Kade indicated that if her license were restored, she would go into physical medicine and rehabilitation. She said that she did not plan to work with patients with Medicaid ties.

Dr. Kade said that she has been doing volunteer work at the Long Island Crisis Center since 1992. She told the Committee about her reeducation efforts, including a six-day intensive review course in physical medicine and rehabilitation at New York University Post-Graduate Medical School

In reviewing the entire record in this case, the Committee on the Professions is convinced that Dr. Kade is remorseful for the conduct which resulted in the loss of licensure and concurs with the Peer Review Panel that the applicant has made a significant effort at rehabilitation. The Committee believes that Dr. Kade realizes the very serious nature of the actions resulting in the loss of her license and does not believe she will do it again or put her patients in danger. However, the Committee believes that Dr. Kade's long absence from practicing medicine warrants a gradual and controlled reentry into practice. Accordingly, the Committee recommends that during the two-year period of probation Dr. Kade be restricted to practice in an Article 28 facility or in a New York State licensed rehabilitation facility. Additionally, Committee notes that the Office of Professional Medical Conduct in the Department of Health did not object to the restoration of Dr. Kade's license. The Committee accepts the judgment of the Peer Review Panel that the applicant's continuing education is not satisfactory and concurs that additional education be a condition of probation.

After a complete review of the record and its interview with Dr. Kade on May 7, 1997, the Committee on the Professions voted unanimously to recommend to the Board of Regents that the order of revocation of the applicant's license to practice as a physician in the State of New York he stayed and that Dr. Kade he placed on prohetion for two years under the terms and conditions of prohetion attached to this report and labeled as Exhibit A. Additionally, the Committee voted unanimously that upon successful completion of the period of prohetion, Dr. Kade's license to practice as a physician in New York State be fully restored.

Johanna Duncan-Poitier, Chair

Kethy A. Absern

Frank Musics

#### Exhibit "A"

### TERMS OF PROBATION OF THE COMMITTEE ON THE PROFESSIONS

### NIRMAL RADE

- That applicant shall make quarterly visits to an employee of and selected by the Office of Professional Medical Conduct of the New York State Department of Mealth, unless said employee agrees otherwise as to said visits, for the purpose of determining whether applicant is in compliance with the following:
  - a. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
  - b. That applicant shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Nedical Conduct, Empire State Plasa, Albany, NY 12234 of any employment and/or practice, applicant's residence, telephone number, or mailing address, and of any change in applicant's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
  - C. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant 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 applicant 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; and
  - d. That applicant shall submit written proof to the New York State Department of Health; addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof to the New York State Department of Health, that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant 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; and

- That applicant shall only practice as a physician in an •. Article 28 facility or in a New York State licensed rehabilitation facility under the supervision of a physician, said supervising physician and said setting to be selected by applicant and previously approved, in writing, by the Director of the Office of Professional Medical Conduct. Said supervision shall include the random selections and review by said supervisor of applicant's patients records, office records and hospital charts in regard to applicant's practice and applicant shall also be required to make such records available to said supervisor at any time requested by said supervisor and that said supervisor shall submit a report, once every six menths, regarding the above-mentioned supervision of applicant's practice to the Director of the Office of Professional Medical Conduct.
- f. That applicant shall not practice medicine in the State of New York until either the applicant successfully completes, within the first year of the period of probation, a three month intensive retraining course for physicians offered in the Syracuse, New York area; or if that is not possible, until the applicant successfully completes, within a six month period during the period of probation, 190 category 1 continuing medical education credits, including family practice and general internal medicine.
- 2. If the Director of the Office of Professional Medical Conduct determines that applicant may have violated probation, the Department of Mealth may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.



### THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

December 16, 1993

Nirmal Kade, Physician 27 Drift Wood Drive Port Washington, New ork 11050

Re: Application for Restoration

Dear Dr. Kade:

Enclosed please find the Commissioner's Order regarding Case No. 93-107-60R which is in reference to Calendar No. 0013077. This order and any decision contained there in goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER Director of Investigations

Gustave Martine

Superisor

By:

cc:

Anthony Scher, Esq. Wood and Scher, Attorneys at Law The Harwood Building Scarsdale, NY 10583



IN THE MATTER

of the

Application of NIRMAL KADE for restoration of her license to practice medicine in the State of New York

Case No. 93-107-60R

It appearing that the license of NIRMAL KADE, 27 Drift Wood Drive, Port Washington, New York 11050, to practice as a physician in the State of New York, was revoked by action of the Board of Regents on April 18, 19898, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on October 15, 1993, it is hereby

ORDERED that the petition for restoration of license No. 154783, authorizing NIRMAL KADE to practice as a physician in the State of New York, is denied.



IN WITNESS WHEREOF, I, THOMAS SOBOL, Commissioner of Education of the State of New York, for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department at the City of Albany, this  $3^{rd}$  day of December, 1993.

Commissioner of Education

It appearing that the license of NIRMAL KADE, 27 Drift Wood Drive, Port Washington, New York 11050, to practice medicine in the State of New York, having been revoked by action of the Board of Regents on April 18, 1989, and she having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on October 15, 1993, it was

VOTED that the petition for restoration of license No. 154783, authorizing NIRMAL KADE to practice as a physician in the State of New York, be denied.

# THE UNIVERSITY OF THE STATE OF NEW YORK The State Education Department

Report of the Committee on the Professions Application for Restoration of Medical License

#### Re: Nirmal Kade

Nirmal Kade, 27 Drift Wood Drive, Port Washington, New York 11050, petitioned for restoration of her medical license. The chronology of events is as follows:

- 07/01/83 Licensed to practice medicine in New York State.
- 12/03/87 Pled guilty to One Count of Grand Larceny, Fourth Degree, and One Count of Unauthorized Practice of a Profession. (See "Disciplinary History.")
- 03/15/89 Regents Review Committee recommended that license be revoked.
- 04/18/89 Regents voted revocation.
- 06/05/89 Commissioner's Order effective.
- 02/10/91 Petition for restoration submitted.
- 09/25/92 Peer Panel restoration review.
- 01/15/93 Recommendation of Peer Review Panel. (See "Recommendation of Peer Review Panel.")
- 08/17/93 Report and recommendation of the Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. (See attached Report of the Regents Review Committee.) On May 19, 1988, the Department of Health charged Dr. Kade with professional misconduct in that she had been convicted of committing an act constituting a crime under New York law. Dr. Kade had been convicted of One Count of Grand Larceny, Fourth Degree, a Class E Felony, and One Count of Unauthorized Practice of a Profession (Medicine), a Class E Felony. On March 4, 1988, Dr. Kade was sentenced to one month of intermittent incarceration (4 weekends), five years probation, and restitution in the sum of \$175,000.00 plus five percent interest surcharge. Dr. Kade had submitted and caused to be submitted claims for payment from Medicaid which contained false information and false statements. It was represented that certain Medicaid recipients

had been examined and treated by Dr. Kade when, in truth and in fact, the recipients had been examined and treated by an individual Dr. Kade knew was not licensed as a physician or physician's assistant in New York State. The unlicensed physician diagnosed, treated, and wrote prescriptions which had been pre-signed by Dr. Kade in her own name.

On March 15, 1989, the Regents Review Committee (Griffith, Bolin, Picariello) recommended that Dr. Kade's license be revoked. On April 18, 1989, the Board of Regents voted revocation. The Commissioner's Order became effective on June 5, 1989.

Recommendation of Peer Review Panel. (See attached Report of the Peer Review Panel.) The Peer Review Panel recommended that the petition for restoration be denied.

Recommendation of the Committee on the Professions On August 17, 1993, the Committee on the Professions (Cantres, Sauer, Muñoz) reviewed the petition of Nirmal Kade for the restoration of her medical license. Dr. Kade appeared personally and was represented by her attorney, Anthony Scher, Esq.

The Committee has reviewed the Peer Review Panel Report and the accompanying record. At the meeting with Dr. Kade on August 17, 1993, the Committee on the Professions asked her reaction to the recommendation of the Peer Review Panel that her petition for restoration be denied. Dr. Kade said she was disappointed with the recommendation of the Peer Review Panel and expressed her hope that the Peer Panel would have given her a chance to treat patients again. Dr. Kade briefly described the actions which gave rise to the loss of her license. In 1986, in her private practice of medicine, Dr. Kade used a laboratory firm that supplied a laboratory technician to work in her office. Dr. Kade stated that this laboratory technician asked that he be allowed to assist her while he was studying to take his Educational Commission for Foreign Medical Graduates examination. Mr. Scher explained that Dr. Kade had allowed the laboratory technician to see patients, take their blood pressure, and take histories, but that every single patient was brought to Dr. Kade and she prescribed all medications. While this was the general method of functioning in Dr. Kade's office, there came a time when Dr. Kade was scheduled to go on a one week vacation and could not find another physician to cover her practice. The laboratory technician who had been assisting her offered to continue to assist her by keeping the office open in her absence. Dr. Kade agreed to allow him to do so and to see patients, provided that he would only see routine patients, and that he would not take any other patients. Dr. Kade provided pre-signed prescription forms for what were considered to be routine patients needing blood pressure medication or other routine medications that Dr. Kade had previously prescribed. Dr. Kade explained that upon her return from vacation she found that this laboratory technician had not followed her instructions and

had seen other patients.

Mr. Scher asserted that, prior to Dr. Kade's one week absence, the activities engaged in by the laboratory technician while under Dr. Kade's direct supervision were in a grey area and in his judgment did not constitute the unlicensed practice of medicine. Accordingly, it was his position that Dr. Kade's only mistake was in allowing the technician to see patients during the one week that she was on vacation.

When asked by the Committee what led her to believe that this laboratory technician had the ability to perform this work, Dr. Kade responded that he was a physician in India and that when she was studying to take her licensing examination she was allowed to work in a hospital under the supervision of other licensed physicians. Therefore, she concluded that this individual who was also studying to take his licensing examinations could work under her supervision.

At the August 17, 1993 meeting Dr. Kade presented additional documentation of her continuing education efforts and more recent verification of her continued volunteer work at the Middle Earth Crisis Center.

The overarching concern in all restoration cases is the protection of the public. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that licensure should be granted in the face of conduct which has already led to licensure being revoked. There must be a clear preponderance of evidence that the misconduct will not recur, and that the root causes have been addressed and satisfactorily dealt with by the petitioner . The Committee finds that the record does not demonstrate that the petitioner has come to grips with the root causes of her misconduct. Dr. Kade did not demonstrate to the Committee sufficient insight as to why leaving her office open and allowing an unlicensed person to function on her behalf was a serious error. She did not provide a credible explanation as to how she could have made such a serious error in judgment, or as to how she has changed in ways that would prevent future mistakes. This gives the Committee great concern over Dr. Kade's ability to make future critical judgments that a physician must make in the practice of medicine in New York State. The Committee on the Professions unanimously concurs with the recommendation of the Peer Review Panel that Dr. Kade's petition for restoration of her license as a physician be denied.

Lizette A. Cantres, Chair

Richard J. Sauer

Frank Muñoz



## THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y.

OFFICE OF PROFESSIONAL DISCIPLINE 622 THIRD AVENUE, NEW YORK, NEW YORK 10017-6756

May 31, 1989

Nirmal Kade, Physician 27 Driftwood Drive Port Washington, New York 11050

Re: License No. 154738

Dear Dr. Kade:

Enclosed please find Commissioner's Order No. 8733. This Order and any penalty contained therein goes into effect five (5) days after the date of this letter.

If the penalty imposed by the Order is a surrender, revocation or suspension of your license, you must deliver your license and registration to this Department within ten (10) days after the date of this letter. In such a case your penalty goes into effect five (5) days after the date of this letter even if you fail to meet the time requirement of delivering your license and registration to this Department.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations
By:

MOIRA A. DORAN

Supervisor

DJK/MAD/mn Enclosures

CERTIFIED MAIL- RRR

cc: Jody A. Lang, Esq.
347 5th Avenue - Suite 900
New York, New York 10016

# REPORT OF THE REGENTS REVIEW COMMITTEE

NIRMAL KADE

CALENDAR NO. 8733



# The University of the State of New York

IN THE MATTER

of the

Disciplinary Proceeding

against

NIRMAL KADE

No. 8733

who is currently licensed to practice as a physician in the State of New York.

## Report of the Regents Review Committee

NIRMAL KADE, hereinafter referred to as respondent, was given due notice of this proceeding and informed that she could appear and be represented by an attorney.

On August 24, 1988 respondent was represented by her attorney, Judy A. Lang, Esq. Terrence Sheehan, Esq., represented the Department of Health.

We have reviewed the record in this matter, including petitioner's Exhibit "3" which we deem to be amended to the extent that the certificate of disposition contained therein include the word "intermittent" in reference to respondent's one month term of incarceration.

Our unanimous findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed follow:

### FINDINGS OF FACT

### NIRMAL KADE (8733)

- Respondent was licensed to practice as a physician in the State of New York by the New York State Education Department.
- Respondent was convicted of committing an act constituting a crime, as set forth in the statement of charges annexed hereto, made a part hereof, and marked as Exhibit "A", as well as the record herein.

### DETERMINATION AS TO GUILT

The charge has been proven by a preponderance of the evidence and respondent is guilty thereof.

## RECOMMENDATION AS TO THE PENALTY TO BE IMPOSED

Respondent's license to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty. Respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically.

In regard to the foregoing revocation, we unanimously recommend that respondent's request for a stay of the penalty be denied.

Respectfully submitted,

EMLYN I. GRIFFITH

JANE M. BOLIN

PATRICK J. PICARIELLO

Chairperson

Dated: 3/15/89

Approved April 14, 1989

No. 8733

Upon the report of the Regents Review Committee, the record herein, under Calendar No. 8733, and in accordance with the provisions of Title VIII of the Education Law, it was

Voted: That the report, findings of fact, determination as to quilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of NIRMAL KADE, respondent, be accepted; that the recommendation of the Regents Review Committee, to deny respondent's request for a stay of the penalty, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found quilty; that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of the order of the Commissioner of Education to be issued herein, but said application shall not be granted automatically; that, in regard to the foregoing revocation, respondent's request for a stay of the penalty be denied; and that the Commissioner of Education be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote.

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

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IN THE MATTER

STATEMENT

OF

OF

NIRMAL KADE, M.D.

CHARGES

NIRMAL KADE, M.D., the Respondent, was authorized to practice medicine in New York Sate on July 1, 1983 by the issuance of license number 154738 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 January 1, 1986 through December 31, 1988, at 30-20 75th Street, Jackson Heights, New York 11370.

### SPECIFICATION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6509 (5)(a)(i) (McKinney 1985) in that he has been convicted of committing an act constituting a crime under New York law, in that Petitioner charges:

On or about December 3, 1987, after plea of guilty, in the Supreme Court of the State of New York, County of Kings, the Respondent was convicted of the following:

- One Count of Grand Larceny, Fourth Degree, a Class E Felony, in violation of Section 155.30 of the Penal Law, in that from on or about October 15, 1986 through on or about June 24, 1987, Respondent, a physician enrolled in the New York State Assistance (Medicaid) Program, submitted and caused to be submitted claims for payment which contained false information and false statements in that it was represented thereon that certain Medicaid recipients had been examined and treated by the Respondent. In truth and in fact, said Medicaid recipients had been examined and treated by i an individual whom the Respondent knew was not licensed as a physician or physician's assistant in the State of New York. By these means, the Respondent intentionally caused the State of New York to pay her approximately \$80,000.00 to which she was not entitled.
- One Count of Unauthorized Practice of a Profession (Medicine), a Class E Felony, in violation of Section 6512 of the Education Law, in that from on or about October 15, 1986 through on or about June 24, 1987, the Respondent engaged , an individual whom the Respondent knew was not licensed as a physician or physician's assistant in the State of New York, to diagnose, treat and prescribe for the physical conditions of patients who visited the Respondent's medical office located at 1204 Fulton Street, Brooklyn, New York. The Respondent engaged to examine and treat Medicaid recipients by identifying himself as "Dr. , "and diagnosing, treating and writing prescriptions which had been pre-signed by the Respondent in her own name.

On or about March 4, 1988, Respondent was sentenced to one month of intermittent incarceration (4 weekends), five years probation and restitution in the sum of \$175,000.00 plus five (5%) percent interest surcharge.

DATED: Albany, New York May /9, 1988

KATHLEEN M. TANNER

Director

Office of Professional Medical Conduct

### ORDER OF THE COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK

### NIRMAL KADE

CALENDAR NO. 8733



# The University of the State of New York,

IN THE MATTER

OF

NIRMAL KADE (Physician)

DUPLICATE
ORIGINAL ORDER
NO. 8733

Upon the report of the Regents Review Committee, under Calendar No. 8733, the record herein, the vote of the Board of Regents on April 14, 1989, and in accordance with the provisions of Title VIII of the Education Law, which report and vote are incorporated herein and made a part hereof, it is

ORDERED that the report, findings of fact, determination as to guilt, and recommendation as to the penalty to be imposed rendered by the Regents Review Committee in the matter of NIRMAL KADE, respondent, be accepted; that the recommendation of the Regents Review Committee, to deny respondent's request for a stay of the penalty, be accepted; that respondent is guilty of the charge by a preponderance of the evidence; that respondent's license and registration to practice as a physician in the State of New York be revoked upon the charge of which respondent has been found guilty; that respondent may, pursuant to Rule 24.7(b) of the Rules of the Board of Regents, apply for restoration of said license after one year has elapsed from the effective date of the service of this order, but said application shall not be

### NIRMAL KADE (8733)

granted automatically; and that, in regard to the foregoing revocation, respondent's request for a stay of the penalty be denied.

IN

WITNESS WHEREOF, I, Thomas Sobol, Commissioner of Education of the State of New York, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this

and day of May, 1989.

Commissioner of Education