



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

June 28, 2000

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert Bogan, Esq.
NYS Department of Health
433 River Street – 4th Floor
Hedley Building
Troy, New York 12180

Sujata-Rao Maddineni, M.B.B.S.
117 Middlesex Road, Apt. 1
Waltham, Massachusetts 02154

Robert Stolzberg, Esq.
Charmoy, Stolzberg & Holian, LLP
44 School Street, Suite 1100
Boston, Massachusetts 02108

RE: In the Matter of Sujata-Rao Maddineni, M.B.B.S.

Dear Parties:

Enclosed please find the Determination and Order (No. 00-197) 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.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "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.

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:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

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 Mr. Horan 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,

A handwritten signature in black ink, appearing to read "Tyfone T. Butler". The signature is fluid and cursive, with the first name "Tyfone" being more prominent.

Tyfone T. Butler, Director
Bureau of Adjudication

TTB:cah
Enclosure

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

COPY

DECISION

AND

ORDER

BPMC #00-197

IN THE MATTER

OF

SUJATA-RAO MADDINENI, M.B.B.S.

A Commissioner Order and Notice of Hearing dated, March 31, 2000 and a Statement of Charges dated March 31, 2000, were served upon the Respondent **SUJATA-RAO MADDINENI, M.B.B.S.**

ANDREW J. MERRITT, M.D., Chairperson, **NANCY J. STUBBE, M.D.** and **D. MARISA FINN**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on June 14, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, of Counsel. The Respondent appeared in person and was represented by **CHARMOY, STOLZBERG & HOLIAN, LLP**, 44 School Street, Suite 1100, Boston, Massachusetts 02108 by **ROBERT STOLZBERG, ESQ.**

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10(p)). The statute provided for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to a professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner: None

For the Respondent: Sujata-Rao Maddineni, M.B.B.S., the Respondent
Venaateswara Rao Maddineni, Ph.D.
(the Respondent's Father)

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page numbers or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **SUJATA-RAO MADDINENI, M.B.B.S.**, the Respondent, was authorized to practice medicine in New York state on January 30, 1997 by the issuance of license number 205692 by the New York State Education Department. (Pet's. Ex. 3)
2. On December 17, 1999, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Consent Order, (hereinafter "Massachusetts Order"), indefinitely suspended the Respondent's license to practice medicine, based on her being unavailable to patients and nurses, asking a nurse to provide her with Orajel that contained lidocaine, practicing medicine while her ability to practice was impaired by alcohol, drugs, physical disability or medical instability, and leaving the hospital without arranging for alternate coverage. (Pet's. Ex. 4)
3. By Order, dated March 31, 2000, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee of professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has

determined that **SUJATA-RAO MADDINENI, M.B.B.S.** has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, namely, the Commonwealth of Massachusetts, Board of Registration in Medicine, for acts which if committed in the state of New York would have constituted the basis for summary action pursuant to New York Public Health Law Section 230(12)(a), and has further determined that the continued practice of medicine in the state of New York by **SUJATA-RAO MADDINENI, M.B.B.S.**, the Respondent, constitutes imminent danger to the health of the people of this state.

The Commissioner ORDERED, pursuant to New York Public Health Law Section 230(12)(b), that effective immediately, **SUJATA-RAO MADDINENI, M.B.B.S.**, the Respondent, shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law Section 230(12). (Pet's. Ex. 1)

HEARING COMMITTEE CONCLUSIONS

The Hearing Committee concludes that the conduct resulting in the Massachusetts Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state.

VOTE OF THE HEARING COMMITTEE

SPECIFICATION

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0)

SECOND SPECIFICATION

Respondent is charged with professional misconduct by having violated New York State Education Law §6530(9)(d) by having had her license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

VOTE: SUSTAINED (3-0)

HEARING COMMITTEE DETERMINATION

The record in the case indicates that the Respondent is an alcohol impaired physician.

On December 17, 1999, her license to practice medicine in the Commonwealth of Massachusetts was indefinitely suspended.

By Order, dated March 21, 2000, the Commissioner of Health of the State of New York determined that the continued practice of medicine in the State of New York by the Respondent constitutes an imminent danger to the health of the people of this state and Ordered that the Respondent shall not practice medicine in New York.

The Respondent testified at the instant hearing. She appeared to be a very sincere and credible witness. She is currently in an alcohol recovery program, but the Hearing Committee is concerned that the Respondent did not evidence significant recovery at this time, nor did the Hearing Committee have any reports from her counselors which might have been helpful in making a valid determination as to the progress of her recovery.

The Hearing Committee is also concerned that the Respondent has had no employment as a physician since April 1999.

Given the facts of this case, the Hearing Committee determines (by a vote of 2-1) that the interests of the people of the State of New York would best be served by suspending the Respondent's license to practice medicine in the State of New York until such time as her license to practice medicine in the Commonwealth of Massachusetts is fully restored.

The Respondent's license to practice medicine in New York should be restored when the Respondent makes a showing to the satisfaction of a committee of professional medical conduct of the state board for professional medical conduct that she is not incapacitated for the active practice of medicine provided, however, that the committee may impose reasonable conditions on the licensee, if it determined that due to the nature and extent of the licensee's former incapacity such conditions are necessary to protect the health of the people.

The dissenting Hearing Committee member voted for revocation.

ORDER

IT IS HEREBY ORDERED:

1. The Respondent's license to practice medicine in the State of New York is **SUSPENDED** until such time as her license to practice medicine in the Commonwealth of Massachusetts is fully restored.

2. The Respondent's license to practice medicine in New York shall be restored when the Respondent makes a showing to the satisfaction of a committee of professional conduct of the state board for professional medical conduct that she is not incapacitated for the active practice of medicine provided, however, that the committee may impose reasonable conditions on the licensee, if it determined that due to the nature and extent of the licensee's former incapacity such conditions are necessary to protect the health of the people.

DATED: 6/26, 2000
New York

NANCY J. SUBBE, M.D.
D. MARISA FINN

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

IN THE MATTER
OF
SUJATA-RAO MADDINENI, M.B.B.S.

STATEMENT
OF
CHARGES

SUJATA-RAO MADDINENI, M.B.B.S., the Respondent, was authorized to practice medicine in New York state on January 30, 1997 by the issuance of license number 205692 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about December 17, 1999, the Commonwealth of Massachusetts, Board of Registration in Medicine, (hereinafter "Massachusetts Board"), by a Consent Order, (hereinafter "Massachusetts Order"), indefinitely suspended the Respondent's license to practice medicine, based on her being unavailable to patients and nurses, asking a nurse to provide her with Orajel that contained lidocaine, practicing medicine while her ability to practice was impaired by alcohol, drugs, physical disability or medical instability, and leaving the hospital without arranging for alternate coverage.

B. The conduct resulting in the Massachusetts Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(5) (incompetence on more than one occasion);
3. New York Education Law §6530(7) (practicing the profession while impaired by

alcohol, drugs, physical disability or mental disability);

4. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine); and/or

5. New York Education Law §6530(30) (abandoning or neglecting a patient).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent is charged with professional misconduct by reason of having violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:


1. The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct by having violated New York State Education Law §6530(9)(d) by having had her license to practice medicine suspended or having other disciplinary action taken after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges

2. The facts in paragraphs A and/or B.

DATED: *Mar* 31, 2000
Albany, New York


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