



# 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., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

October 25, 2000

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Paul Robert Maher, Esq.  
NYS Department of Health  
433 River Street – 4<sup>th</sup> 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 Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon 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.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person** to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street-Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter [PHL §230-c(5)].

Sincerely,

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

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm

Enclosure

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

**In the Matter of**

**Sujata Rao-Maddineni, M.B.B.S.  
(Respondent)**

**A proceeding to review a Determination by a  
Committee (Committee) from the Board for  
Professional Medical Conduct (BPMC)**

**COPY**

**Administrative Review Board (ARB)**

**Determination and Order No. 00-197**

**Before ARB Members Grossman, Lynch, Pellman, Price and Briber  
Administrative Law Judge James F. Horan drafted the Determination**

**For the Department of Health (Petitioner):  
For the Respondent:**

**Paul Robert Maher, Esq.  
Robert A. Stolzberg, Esq.**

After a hearing below, a BPMC Hearing Committee voted to suspend the Respondent's New York Medical License after determining that another state had suspended the Respondent's License in that state for alcohol impairment. The Hearing Committee provided that the suspension would remain in place until the other state fully restored the Respondent's License and until the Respondent proved to another BPMC Committee that the Respondent no longer suffers any incapacity. In this proceeding pursuant to N.Y. Pub. Health Law § 230-c(4)(a)(McKinney's Supp. 2000), both parties ask the ARB to modify the Determination. The Respondent asks that the ARB allow New York restoration if the Respondent receives partial restoration, with conditions in the other state. The Petitioner asks that the ARB revoke the Respondent's License. After considering the record and the review submissions by the parties, the ARB votes 4-1 to affirm the conditions that the Committee imposed for lifting the New York suspension.

### **Committee Determination on the Charges**

The Petitioner alleged that the Respondent violated N. Y. Educ. Law §§6530(9)(b)&(9)(d) (McKinney Supp. 2000) by committing professional misconduct because:

- the duly authorized professional disciplinary agency from a sister state (Massachusetts) found the Respondent guilty for improper professional practice [§6530(9)(b)], and/or took action against the Respondent's License in that state [§6530(9)(d)], for,
- conduct that would constitute professional misconduct, if the Respondent had committed such conduct in New York.

The New York action followed an Order by the Massachusetts Board of Registration in Medicine (Massachusetts Board) that suspended the Respondent's medical license in that state indefinitely. The New York action began through an Order by the Commissioner of Health of the State of New York, pursuant to N.Y. Pub. Health Law § 230(12)(a)(McKinney Supp. 2000), that suspended the Respondent's New York License summarily due to an imminent danger to the public health. The Petitioner's Statement of Charges [Petitioner Exhibit 1] alleged that the Respondent's misconduct in Massachusetts would constitute misconduct if committed in New York, under the following categories:

- practicing medicine with negligence on more than one occasion, a violation under N. Y. Educ. Law § 6530(3) (McKinney Supp. 2000),
- practicing medicine with incompetence on more than one occasion, a violation under N. Y. Educ. Law § 6530(5) (McKinney Supp. 2000),
- practicing medicine while impaired, a violation under N. Y. Educ. Law § 6530(7) (McKinney Supp. 2000),
- willful or grossly negligent failure to comply with substantial provisions of federal state or local laws, rules or regulations that pertain to medical practice, a violation under N. Y. Educ. Law § 6530(16) (McKinney Supp. 2000), and,

- abandoning a patient, a violation under N.Y. Educ. Law § 6530(30)(McKinney Supp. 2000).

An expedited hearing (Direct Referral Proceeding) ensued pursuant to N.Y. Pub. Health Law §230(10)(p)(McKinney Supp. 2000), before a BPMC Committee (Hearing Committee), who rendered the Determination which the ARB now reviews. In such a Direct Referral Proceeding, the statute limits the Hearing Committee to determining the nature and severity for the penalty to impose against the licensee, see In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

The Hearing Committee found that the Massachusetts Board suspended the Respondent's license indefinitely due to her:

- unavailability to patients and nurses;
- request that a nurse provide her Orajel, containing lidocaine;
- practice while impaired; and,
- leaving the hospital without arranging for alternate coverage.

The Hearing Committee concluded that the Respondent's conduct in Massachusetts would constitute misconduct under New York Law and that such conduct made the Respondent liable for discipline under N. Y. Educ. Law §§6530(9)(b)&(9)(d) (McKinney Supp. 2000). The Hearing Committee voted to suspend the Respondent's New York License until:

- a.) the Massachusetts Board fully restores the Respondent's Massachusetts License, and,
- b.) the Respondent makes a showing to the satisfaction of a BPMC Committee (Restoration Committee) that she no longer suffers any incapacity from practice.

The Hearing Committee's Determination provided that the Restoration Committee could impose reasonable conditions on the Respondent following restoration, if the Restoration Committee deems the conditions necessary to protect the public health. The Hearing Committee found that the record showed that the Respondent suffered from alcohol impairment. Although the Respondent testified at hearing that she is in an alcohol recovery program, the Committee concluded that the Respondent fails to evidence significant recovery at this time and that she failed to submit any reports from her counselors to aid the Hearing Committee in assessing her recovery.

### **Review History and Issues**

The Committee rendered their Determination on June 28, 2000. This proceeding commenced on July 11, 2000, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record, the Petitioner's brief and the Respondent's response brief. The record closed when the ARB received the response brief on August 15, 2000.

The Petitioner argues that the Committee substituted another state's standards for restoring the Respondent's New York License and thus abdicated BPMC's responsibility. The Petitioner asks that the ARB revoke the Respondent's License and leave the Respondent to seek reinstatement at some future date.

The Respondent argues that the Massachusetts Board took appropriate action that will protect the public. The Respondent argues that the Hearing Committee went too far in allowing for no stay or vacatur in the New York suspension until the Massachusetts Board restores her Massachusetts License fully. The Respondent asks that the ARB allow her to petition for modification in her New York suspension at such time as Massachusetts stays her suspension in that state. The Respondent argues that New York would still retain discretion to impose some limitations on the New York License.

### **Determination**

The ARB has considered the record and the parties' briefs. We affirm the Committee's Determination that the Respondent's conduct in Massachusetts constituted professional misconduct in New York and that such conduct made the Respondent liable for discipline under N. Y. Educ. Law §§6530(9)(b)&(9)(d) (McKinney Supp. 2000). Neither party challenged the

Determination on the charges. We vote 5-0 to affirm the Committee's Determination suspending the Respondent's New York License and 4-1 to affirm the conditions that the Hearing Committee imposed on license restoration.

The Petitioner failed to explain how revocation would provide any greater patient protection in this case. We disagree with the Petitioner's argument that the Hearing Committee's conditions on restoration abdicated any responsibility to another state. The Committee set two conditions on restoration: 1.) obtaining complete license restoration in Massachusetts, and, 2.) satisfying a New York Restoration Committee that the Respondent no longer suffers any incapacity from practice. The procedure before the Restoration Committee, under the standards set out in N.Y. Pub. Health Law § 230(7)(McKinney Supp. 2000), guarantee that a Committee from the New York BPMC will make the final decision on whether the Respondent continues to suffer any incapacity from returning to practice. Under the Hearing Committee's Order, the Restoration Committee would also be able to place any conditions on the Respondent's New York License that the Hearing Committee feels appropriate, if the Restoration Committee lifts the suspension.

Dr. Price, Dr. Grossman, Ms. Pellman and Mr. Briber vote to affirm the Hearing Committee's Determination to require full license restoration in Massachusetts before the Respondent becomes eligible for restoration in New York. That majority defers to the Hearing Committee's judgement and their assessment on the Respondent. We conclude that the Hearing Committee made a deliberate decision to condition New York restoration on full Massachusetts restoration. The Respondent should concentrate on recovery and on regaining full licensure in Massachusetts, before attempting to clear any licensing restrictions in other states. Dr. Lynch would modify the Committee's Order as the Respondent had requested.

## **ORDER**

**NOW**, with this Determination as our basis, the ARB renders the following **ORDER**:

1. The ARB **AFFIRMS** the Committee's Determination that the Respondent committed professional misconduct.
  
2. The ARB **AFFIRMS** the Committee's Determination to suspend the Respondent's License to practice medicine in New York State.


Robert M. Briber  
Thea Graves Pellman  
Winston S. Price, M.D.  
Stanley L. Grossman, M.D.  
Therese G. Lynch, M.D.



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

Robert M. Briber, an ARB Member, concurs in the Determination and Order in the Matter of Dr. Maddineni.

Dated: September 18, 2000

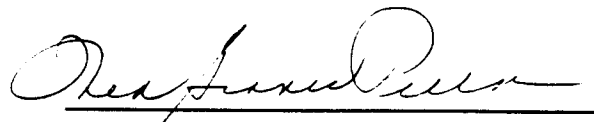


Robert M. Briber

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

**Thea Graves Pellman**, an ARB Member concurs in the Determination and Order in the Matter of Dr. Maddineni.

Dated: 10-13, 2000

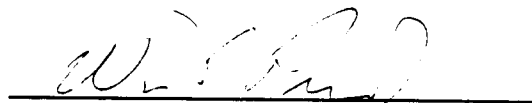
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**Thea Graves Pellman**

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

**Winston S. Price, M.D.**, an ARB Member concurs in the Determination and Order in the Matter of Dr. Maddineni.

Dated: OCT 13, 2000

A handwritten signature in cursive script, appearing to read "W. S. Price", is written over a horizontal line.

**Winston S. Price, M.D.**

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

Therese G. Lynch, M.D., an ARB Member concurs in part and dissents part in the  
Determination and Order in the Matter of Dr. Maddineni.

Dated: Sept. 16, 2000



Therese G. Lynch, M.D.

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

**Stanley L. Grossman**, an ARB Member concurs in the Determination and Order in the Matter of Dr. Maddineni.

Dated: September 15 2000

Stanley L. Grossman M.D.

**Stanley L. Grossman, M.D.**