



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Charles J. Vacanti, M.D.
Chair

June 5, 1996

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mukunda Dev Mukherjee, M.D.
5959 Weiss Street, Apartment 15
Saginaw, Michigan 48603

RE: License No. 113641

Dear Dr. Mukherjee:

Effective Date: 06/12/96

Enclosed please find Order #BPMC 96-140 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,

Charles Vacanti, M.D.
Chair
Board for Professional Medical Conduct

Enclosure

cc: Alan T. Rogalski, Esq.
Firmet and Rogalski
2000 Tower Center, Suite 2700
Southfield, Michigan 48075-1318

Timothy J. Mahar, Esq.

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

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IN THE MATTER :
OF : ORDER
MUKUNDA DEV MUKHERJEE, M.D. : BPMC #96-140

-----X

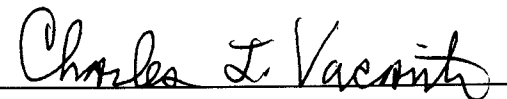
Upon the application of MUKUNDA DEV MUKHERJEE, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions thereof are
hereby adopted and so ORDERED, and 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: 5 June 1996



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

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IN THE MATTER : APPLICATION
 OF : FOR
 MUKUNDA DEV MUKHERJEE, M.D. : CONSENT
 : ORDER

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STATE OF MICHIGAN)
) SS.:
 COUNTY OF SAGINAW)

MUKUNDA DEV MUKHERJEE, M.D., being duly sworn, deposes and says:

I was licensed to practice as a physician in the State of New York, having been issued License No. 113641 by the New York State Education Department.

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

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

I plead no contest to the two Specifications set forth in the Statement of Charges (Exhibit A).

I hereby agree to the penalty of a two-year suspension of my medical license. The suspension is to be stayed, in lieu thereof I shall serve a two-year probation in accordance with the terms set forth in Appendix B hereto. The suspension and probationary

periods are tolled until such time as I undertake the active practice of medicine in New York.

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.

Mukunda Dev Mukherjee
Mukunda Dev Mukherjee, M.D.
RESPONDENT

Sworn to before me this

____ day of _____ 1996.

NOTARY PUBLIC

MICHAEL ARNETT
NOTARY PUBLIC STATE OF MICHIGAN
OAKLAND COUNTY
MY COMMISSION EXP DEC 3, 1999

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


-----X
IN THE MATTER : APPLICATION
OF : FOF
MUKUNDA DEV MUKHERJEE, M.D. : CONSENT
: 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: 5/18/96 _____


MUKUNDA DEV MUKHERJEE, M.D.
Respondent

DATE: 5/29/96 _____


TIMOTHY J. MAHAR
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 5/31/96 _____


ANNE F. SAILE
ACTING DIRECTOR
Office of Professional Medical
Conduct

DATE: 5 June 1996 _____


CHARLES J. VACANTI, M.D.
CHAIRPERSON

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

-----X

IN THE MATTER : STATEMENT
OF : OF
MUKUNDA DEV MUKHERJEE, M.D. : CHARGES

-----X

MUKUNDA DEV MUKHERJEE, M.D., the Respondent, was authorized to practice medicine in New York State on August 1, 1972, by the issuance of license number 113641 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. On or about September 6, 1995, the State Medical Board of Ohio (Ohio Board) adopted the report and findings of the Hearing Examiner in the Matter of Mukunda Dev Mukherjee, M.D. [State Medical Board of Ohio]. The findings adopted by the Ohio Board, included the following:

- a. On or about January 7, 1987, Respondent's clinical privileges at the United States Air Force Hospital, Davis-Monthan Air Force Base (hereinafter Davis-Monthan), were restricted so as to prohibit Respondent from treating patients under six years of age. On or about February 9, 1987, Respondent's privileges were further restricted at the same hospital, prohibiting him from treating inpatients or admitting patients. On or about May 22, 1987, Respondent's clinical privileges at Davis-Monthan were suspended. On or about August 6, 1987, following a review by the hospital's Credentials Committee Hearing Board, Respondent's privileges were terminated on a finding that Respondent lacks sufficient training and ability to exercise unrestricted medical privileges to perform the normal range of duties performed by a pediatrician in the Air Force.

- b. On or about October 21, 1988, Respondent completed and signed an application for the renewal of his license (certificate) to practice medicine in the State of Ohio, in which he answered in the negative to the following inquiry:

'At any time since signing your last application for renewal of your certificate have you had any clinical privileges suspended or revoked for other than failure to maintain records or attend staff meetings?'

Respondent had in fact had his privileges suspended and terminated at Davis-Monahan as described in subparagraph a above.

2. On September 6, 1995, the Ohio Board imposed the following penalty on Respondent:

- a. Suspended Respondent's medical license for an indefinite period of time, but not less than three months;
- b. Required Respondent to document the successful completion of a course in personal and professional ethics prior to submission of a reapplication for licensure;
- c. Upon reinstatement of Respondent's license, required service of a one year probation, which required among other things, that Respondent's medical practice be monitored by another physician.

3. The conduct upon which the Ohio Board found professional misconduct against Respondent would, if committed in New York State, constitute professional misconduct under N.Y. Educ. Law §6530(1) [obtaining a license fraudulently]; and/or N.Y. Educ. Law §6530(2) [practicing the profession fraudulently]; and/or N.Y. Educ. Law § 6530 (20) [engaging in conduct in the practice of medicine which evidences moral unfitness]; and/or N.Y. Educ. Law §6530 (21) [willfully making or filing a false report]).

SPECIFICATIONS**FIRST SPECIFICATION****FINDING OF GUILT OF PROFESSIONAL MISCONDUCT
BY OTHER STATE**

Respondent is charged with Professional Misconduct within the meaning of N.Y. Educ. Law §6530(9)(b) (McKinney Supp. 1996) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized disciplinary agency of another state, where the conduct resulting in disciplinary action, would, if committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

1. The facts in paragraphs 1 and/or 2, and/or 3.

SECOND SPECIFICATION**DISCIPLINE BY OTHER STATE**

In the alternative, Respondent is charged with Professional Misconduct within the meaning of N.Y. Educ. Law §6530(9)(d) (McKinney Supp. 1996), by reason of having disciplinary action taken against his license to practice medicine by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if

committed in New York State, constitute professional misconduct under the laws of New York State, in that Petitioner charges:

2. The facts in paragraphs 1 and/or 2, and/or 3.

DATED: , 1996

-Albany, New York

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

TERMS OF PROBATION

EXHIBIT B

1. Respondent will personally meet with a member of the Office of Professional Medical Conduct staff on a random basis at the discretion of the Director of the Office or designee.
2. Respondent will conform fully:
 - a. to the professional standards of conduct imposed by law and by his or her profession,
 - b. with all civil and criminal laws, rules and regulations.
3. Respondent will notify the Office of Professional Medical Conduct of:
 - a. any and all investigations, charges, convictions or disciplinary actions taken by any local, state or federal agency, institution or facility, within thirty days of each action;
 - b. any and all changes in personal and professional addresses and telephone numbers and facility affiliations, within 30 days of such changes. This will include any change in practice location, within or outside of the State of New York. The date of departure from the State of New York, and the date of return, if any, must be reported in writing.

Failure to notify the Office of Professional Medical Conduct of any of the above will be considered a violation of probation.

4. Respondent will maintain legible and complete medical records which accurately reflect evaluation and treatment of patients. Records will contain a comprehensive history, physical examination findings, chief complaint, present illness, diagnosis and treatment. In cases of prescribing, dispensing, or administering of controlled substances, the medical record will contain all information required by state rules and regulations regarding controlled substances.
5. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her profession in accordance with the terms of probation. Upon receipt of evidence of non compliance 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 any such other proceeding against Respondent as may be authorized by law.

- a. Respondent shall assume and bear all costs related to compliance with the terms of probation.
6. Respondent's period of probation is tolled until such time as he is actively engaged in the practice of medicine in New York. Respondent shall provide written notification to the Director of the Office of Professional Medical Conduct of his intention to practice medicine in New York prior to commencing such a practice.
 - a. If after practicing medicine in New York, the Respondent then does not practice medicine in New York, the probation period is tolled and the period will be extended by the length of the period outside of New York. Any terms of probation which were not fulfilled while Respondent was in New York State, must be fulfilled upon return to New York State.