



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
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NYS Department of Health*

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*Executive Deputy Commissioner  
NYS Department of Health*

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*Office of Professional Medical Conduct*

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Denise M. Bolan, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

August 2, 2001

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Alka Jashbhai Patel, M.D.  
REDACTED

RE: License No. 166476

Dear Dr. Patel:

Enclosed please find Order #BPMC 01-176 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 2, 2001.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely, \_\_\_\_\_

REDACTED  
Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Anthony Venditto, Esq.  
Gordon and Silber, P.C.  
355 Lexington Avenue  
New York, NY 10017-6603

Terry Seehan, Esq.

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

**IN THE MATTER  
OF  
ALKA JASHBHAI PATEL, M.D.**

**CONSENT  
ORDER**  
BPMC No. 01-176

Upon the proposed agreement of ALKA JASHBHAI PATEL, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 8/1/01

REDACTED

~~WILLIAM P. DILLON, M.D.~~  
Chair  
State Board for Professional  
Medical Conduct

**IN THE MATTER**  
**OF**  
**ALKA JASHBHAI PATEL, M.D.**

CONSENT  
AGREEMENT  
AND  
ORDER

ALKA JASHBHAI PATEL, M.D., representing all statements herein made to be true, deposes and says:

That in or about <sup>July 1986 Patel</sup> ~~October, 1982~~, I was licensed to practice as a physician in the State of New York, having been issued License No. 166476 by the New York State Education Department.

My current address is REDACTED and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with 4 specifications of professional misconduct.

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

I agree that I cannot successfully defend against at least one of the acts of misconduct alleged, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine in the state of New York shall be suspended for a period of 18 months, with such suspension to be stayed. In addition, I shall be subject to a 2 year period of probation subject to the terms set forth in the appended Exhibit "B".

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall

constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 07/09/01

REDACTED

~~ALKA JASHBHAI PATEL, M.D.~~  
RESPONDENT

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

DATE: \_\_\_\_\_

REDACTED

~~Anthony Venditto, ESQ.~~  
Attorney for Respondent

DATE: 7/13/01

REDACTED

~~TERRENCE SHEEHAN~~  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: 7/27/01

REDACTED

~~DENNIS J. GRAZIANO~~  
Director  
Office of Professional  
Medical Conduct

## EXHIBIT "B"

### Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession. Respondent acknowledges that if s/he commits professional misconduct as enumerated in New York State Education Law §6530 or §6531, those acts shall be deemed to be a violation of probation and that an action may be taken against Respondent's license pursuant to New York State Public Health Law §230(19).
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. 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].
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
5. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
6. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.



## PRACTICE MONITOR

7. Within thirty days of the effective date of the order, Respondent shall practice medicine only when monitored by a licensed physician, board certified in an appropriate specialty, ("practice monitor") proposed by Respondent and subject to the written approval of the Director of OPMC.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice at each and every location, on a random unannounced basis at least quarterly and shall examine a selection (no fewer than 25) of records maintained by Respondent, including patient records, prescribing information and office records. The review will determine whether the Respondent's medical practice is conducted in accordance with the generally accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.
  - b. Respondent shall be solely responsible for all expenses associate with monitoring , including fees, if any, to the monitoring physician.
  - c. Respondent shall cause the practice monitor to report quarterly, in writing, to the Director of OPMC.
  - d. Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the Director of OPMC prior to Respondent's practice after the effective date of the Order.

IN THE MATTER  
OF  
ALKA JASHBHAI PATEL, M.D.

STATEMENT  
OF  
CHARGES

ALKA JASHBHAI PATEL, M.D., the Respondent, was authorized to practice medicine in New York State on or about October, 1982, by the issuance of license number 166476 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about March 27, 2000 and March 28, 2000, the Respondent treated Patient A (all patients are identified in the attached Appendix) in the emergency room at Cabrini Hospital Medical Center, 227 East 19<sup>th</sup> Street, New York, New York. Respondent's care and treatment departed from accepted standards of practice in the following respects:
1. Respondent failed to obtain and note an adequate medical history and to perform and note an adequate physical examination.
  2. Abdominal x-rays disclosed distended loops of small bowel with air fluid levels. Respondent failed to address and follow-up this finding.

3. Respondent also failed to address and follow-up Patient A's persistent bradycardia and hypoglycemia.
4. Respondent failed to diagnose the Patient's acute surgical abdomen in a timely fashion.
5. Respondent failed to insert a nasogastric tube in a timely fashion.
6. Throughout Patient A's extended stay in the emergency room Respondent failed to delineate the likely diagnostic possibilities or to pursue a coherent therapeutic approach.
7. Respondent improperly failed to make any progress notes after her initial note.
8. Patient A remained in the emergency room for nine (9) hours before Respondent referred her for surgical consultation. This delay was unwarranted.
9. Respondent failed to properly communicate Patient A's condition to other staff members, including upon Patient A's transfer to the surgical service.

10. Respondent failed to maintain a medical record for Patient A which accurately reflects her evaluation and treatment, including patient history, physical examination, diagnoses, progress notes, treatment plans and review of diagnostic tests.
- B. On or about June 8, 1999 and June 9, 1999, Patient B was treated by Respondent in the emergency room at Cabrini Hospital Medical Center. Respondent's care and treatment departed from accepted standards of practice in the following respects:
1. Respondent failed to obtain and note an adequate medical history and to perform and note an adequate physical examination.
  2. A CBC revealed an elevated glucose level of 141 and an anion gap of 21.5. Respondent failed to address and follow-up these findings or order appropriate treatment.
  3. Patient B had sinus tachycardia. Respondent failed to follow-up or treat this condition.
  4. On June 8, 1999, Respondent discharged Patient B with no modification of his diabetic regimen. Patient B's discharge was contraindicated.

5. Respondent failed to consider and rule out a differential diagnosis of diabetic keto acidosis.
  
6. Prior to the discharge, Respondent contacted an Attending Physician regarding Patient B. In the conversation Respondent failed to properly communicate Patient B's condition to the Attending Physician. As a result, the Attending Physician was unaware of Patient B's elevated glucose level and other positive findings.
  
7. Respondent failed to maintain a medical record for Patient B which accurately reflects her evaluation and treatment, including patient history, physical examination, diagnoses, progress notes, treatment plans and review of diagnostic tests.

## **SPECIFICATION OF CHARGES**

### **FIRST SPECIFICATION**

#### **NEGLIGENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(3)(McKinney Supp. 2001) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of the following paragraphs:

1. A and A(1) through A(10) and B and B(1) through B(7).

### **SECOND SPECIFICATION**

#### **INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(5)(McKinney Supp. 2001) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the facts of two or more of the following paragraphs:

2. A and A(1) through A(10); and B and B(1) through B(7).

**THIRD AND FOURTH SPECIFICATIONS**  
**FAILURE TO MAINTAIN RECORDS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(32)(McKinney Supp. 2001) by failing to maintain a record for each patient which accurately reflects the care and treatment of the patient, as alleged in the facts of the following paragraphs:

3. A and A(10).
4. B and B(7).

DATED: July , 2001  
New York, New York

REDACTED

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ROY NEMERSON  
Deputy Counsel  
Bureau of Professional  
Medical Conduct