



**Board for Professional Medical Conduct**

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

**C. Maynard Guest, M.D.**  
Executive Secretary

October 7, 1992

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Om Prakash, M.D.  
Modesto Psychiatric Center  
1501 Claus Road  
Modesto, CA 95355

RE: License No. 099614  
Effective Date 10/14/92

Dear Dr. Prakash:

Enclosed please find Order #BPMC 92-82 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 12237-0614

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Robert Schonfeld, Esq.  
Schonfeld and Stein  
200 Garden City Plaza  
Garden City, New York 11530

Daniel Guenzburger, Esq.

bcc: Chris Hyman  
Roy Nemerson  
Kenneth Spooner  
Cheryl Ratner  
Faith Schottenfeld  
Anne Bohenek

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

-----X

IN THE MATTER :  
OF : ORDER  
OM PRAKASH, M.D. : BPMC 92-82

-----X

Upon the application of OM PRAKASH, 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: 2 October 1992

Charles J. Vacanti  
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

-----X

IN THE MATTER :

OF :


: STIPULATION


OM PRAKASH, M.D. :

-----X

Pursuant to the N.Y. Laws of 1991, ch. 606, sec. 32,  
the undersigned agree to proceed under the provisions of the N.Y.  
Laws of 1991, ch. 606, which amended the Public Health Law and  
the Education Law in relation to professional medical conduct.

Date: 8-10-92   
OM PRAKASH, M.D.  
RESPONDENT

Date: 7-28-92   
ROBERT SCHONFELD, ESQ.  
ATTORNEY FOR RESPONDENT

Date: 7/12/92   
DANIEL GUENZBURGER  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

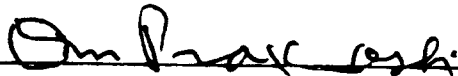
I hereby agree to the penalty one year stayed suspension.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted in full satisfaction of the charges.

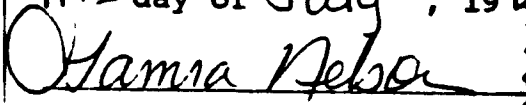
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict 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.

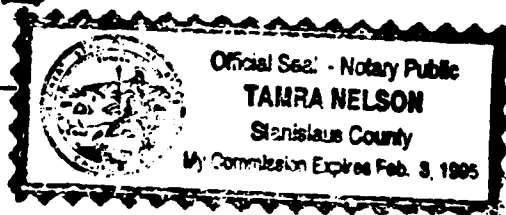
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

  
OM PRAKASH, M.D.  
RESPONDENT

Sworn to before me this  
11<sup>th</sup> day of July, 1992

  
NOTARY PUBLIC



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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
OM PRAKASH, M.D. : CONSENT  
-----X : ORDER

STATE OF CALIFORNIA )  
COUNTY OF MODESTO ) ss.:

OM PRAKASH, M.D., being duly sworn, deposes and says:

That on August 15, 1967, I was licensed to practice as a physician in the State of New York, having been issued License No. 099614 by the New York State Education Department.

I am not currently registered to practice medicine in the State of New York.

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

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


I admit guilt to the first specification (negligence on more than one occasion) insofar as that specification relates to the pre-signing of physician's order forms as alleged in allegations B1, C1, D1, E1, and F1. I deny every other allegation of the Statement of Charges.


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

-----X  
IN THE MATTER : APPLICATION  
OF : FOR  
OM PRAKASH, 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: 7-12-92   
OM PRAKASH, M.D.  
RESPONDENT

Date: 7-1-92   
ROBERT SCHONFELD, ESQ.  
ATTORNEY FOR RESPONDENT

Date: 9/15/92   
DANIEL GUENZBURGER  
ASSISTANT COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date: Oct. 6, 1992

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date: 2 October 1992

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

"EXHIBIT A"



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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
OM PRAKASH, M.D. : CHARGES

-----X

OM PRAKASH, M.D., the Respondent, was authorized to practice medicine in New York State on August 15, 1967 by the issuance of license number 99614 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, 1989 to December 31, 1991 at 192-04 Union Turnpike, Fresh Meadows, New York.

FACTUAL ALLEGATIONS

- A. On or about and between August 1, 1983 and April 19, 1984, the Respondent was employed in the Secure Services Unit ("SSU") at the Creedmor Psychiatric Center, Queens Village, New York. ("Creedmor"). The SSU was an acute care unit at Creedmor for violent and difficult to manage psychiatric patients.
  
- B. On or about and between August 1, 1983 and April 19, 1984, the Respondent pre-signed Creedmor physician order forms, including but not limited to 8 forms numbered 4577, 5476, 5477

5492, 7944, 7945, 7980 and 7972. The Respondent made the pre-signed physician order forms available to non-physician SSU staff. The Respondent knew that the non-physician SSU staff would render treatment to patients which required a physician order. An SSU employee other than Respondent would record a patient name, date, and the treatment onto the pre-signed form and enter the document into the patient's record. The Respondent's conduct deviated from acceptable medical standards in that he:

1. Pre-signed physician order forms.
2. Made pre-signed physician order forms available to non-physician SSU staff.
3. Permitted non-physician SSU staff to use his pre-signed forms to render treatment to patients which required a physician's authorization and order.

C. During Respondent's employment in the SSU he pre-signed seclusion orders, including but not limited to two undated seclusion orders on Office of Mental Health form no. 89. Seclusion is a procedure for preventing a patient from seriously injuring himself or others by isolating a patient in a room.

The Respondent made pre-signed seclusion orders available to the non-physician SSU staff. The Respondent knew that the non-physician SSU staff would use the forms when they secluded patients without his authorization. An SSU staff person other than the Respondent would write a patient name and date onto the form and enter the the document into a patient's medical record. The Respondent's conduct deviated from accepted medical standards in that he:

1. Pre-signed seclusion orders.
2. Made pre-signed seclusion orders available to non-physician SSU staff.
3. Permitted non-physician SSU staff to use his pre-signed seclusion orders when they secluded patients without authorization from a physician.

D. During Respondent's employment in the SSU he pre-signed seclusion and restraint monitoring forms, including but not limited to 10 seclusion and restraint monitoring forms on Office

of Mental Health form no. 98. Restraint is a procedure for preventing a patient from seriously injuring himself or others by immobilizing the patient with an apparatus that restrains the arms and/or legs.

The Respondent made the pre-signed restraint and seclusion monitoring forms available to non-physician SSU staff. The Respondent knew that the non-physician SSU staff would use these forms when they restrained and/or secluded patients without his authorization. An SSU employee other than the Respondent would write a patient name, date, and instructions onto the pre-signed form and enter the document into the patient's medical record. The Respondent's conduct deviated from medically accepted standards in that he:

1. Pre-signed restraint and seclusion monitoring forms.
2. Made restraint and seclusion monitoring forms available to non-physician SSU staff.
3. Permitted non-physician SSU staff to use the pre-signed restraint and seclusion monitoring forms when they

restrained and/or secluded patients  
without authorization of a physician.

E. During Respondent's employment in the SSU he signed blank prescriptions forms, including but not limited to 8 blank prescription forms on Creedmor form no. 91.15. The Respondent made the pre-signed prescription forms available to non-physician SSU staff. The Respondent's conduct deviated from accepted medical standards in that he:

1. Pre-signed blank prescription forms.
2. Made pre-signed blank prescription forms available to non-physician SSU staff.

F. During Respondent's employment in the SSU he signed blank x-ray request forms, including but not limited to an x-ray request on Office of Mental Health form no. 82.13. The Respondent made pre-signed x-ray request forms available to the non-physician SSU staff. The Respondent's conduct deviated from medically accepted standards in that he:

1. Pre-signed x-ray request forms.

2. Made pre-signed x-ray request forms available to non-physician SSU staff.

G. On or about December 28, 1983, Patient A, a 40 year old male, was admitted to Creedmor with a diagnosis of "Schizophrenia Paranoid Chronic in Axis 1". On February 29, 1984 he was transferred to the Secure Services Unit because of assaultive and disruptive behavior. Respondent treated Patient A on or about and between February 29, 1984 and March 4, 1984.

Patient A's medical record contains a physician order signed by the Respondent dated March 2, 1984, which directed that Patient A be placed in seclusion for two hours. In addition, Patient A's record contains a restraint and seclusion monitoring form signed by the Respondent for the same period specified in the physician order. In spite of the fact that Respondent's signature appeared on both the seclusion order and the restraint and seclusion monitoring form, the Respondent did not in fact examine Patient A or order his seclusion.

In the manner alleged in Paragraphs B, and D, the Respondent made pre-signed physician orders and seclusion and restraint monitoring forms available to the non-physician SSU staff. An SSU employee other than the Respondent recorded Patient A's name, the date, and instructions onto the pre-signed forms, and entered the documents into Patient A's record. The

Respondent's conduct deviated from accepted medical standards in that he permitted the following:

1. Patient A was secluded without Respondent's approval.
2. Patient A was secluded without an examination by the Respondent.
3. Patient A was secluded without monitoring instructions ordered by Respondent.

H. On or about December 6, 1982, Patient B, a 27 year old male, was admitted to Creedmor with a diagnosis of "Schizophrenia". He was transferred to the SSU because of assaultive and disruptive behavior, and was treated there on or about and between December 10, 1982 and March 27, 1984.

Patient B's medical record contains a physician order signed by the Respondent dated February 23, 1984, which directed that Patient B be restrained in a camisole from 11:45 A.M. to 1:45 P.M. In addition, Patient B's record contains a restraint and seclusion monitoring form signed by the Respondent for the period of time specified in the physician order. In spite of the

fact that the Respondent's signature appeared on the restraint order and on the restraint and seclusion monitoring form, the Respondent did not in fact examine Patient B or order his restraint.

In the manner alleged in Paragraphs B and D, the Respondent had previously made pre-signed physician order forms and seclusion and restraint monitoring forms available to the non-physician SSU staff. An SSU employee other than the Respondent recorded Patient B's name, the date, and instructions to restrain Patient B onto the pre-signed forms, and then entered the documents into Patient B's record. The Respondent's conduct deviated from accepted medical standards in that he permitted the following:

1. Patient B was restrained without Respondent's approval.
2. Patient B was restrained without an examination by the Respondent.
3. Patient B was restrained without monitoring instructions ordered Respondent.



I. On or about February 16, 1984, the Respondent pre-signed an order for the admission of an unidentified patient to the SSU and for the prescription of Haldol, 10 mg., I.M., T.I.D., for 2 days, and then Haldol, 20 mg., T.I.D., P.O., Artane, 5 mg. B.I.D., for 7 days, and a regular diet. Haldol is a tranquilizer. Artane is an anti-spasmodic.

The standard treatment for patients admitted to the SSU consisted of Haldol, 10 mg., I.M., T.I.D., for 2 or 3 days, then Haldol, 20 mg., P.O., T.I.D., P.O., Artane, 5 mg. B.I.D. for 7 days and a regular diet. Thus, the Respondent wrote instructions for the standard treatment regimen on the pre-signed physician order dated February 16, 1984.

The Respondent made available to the non-physician SSU staff pre-signed physician orders, including but not limited to the pre-signed order dated February 16, 1984, for the admission of unidentified patients to the SSU and the prescription of the standard SSU treatment regimen. The Respondent knew that the non-physician SSU staff would use these forms when they admitted patients to the SSU and prescribed treatment without his authorization. An SSU employee other than the Respondent would write a patient name and date onto the pre-signed form and enter the document into the patient's medical record. The Respondent's conduct deviated from medically accepted standard in that he:

1. Pre-signed physician orders admitting patients to the SSU and ordering treatment.
2. Made available to the non-physician SSU staff pre-signed physician orders admitting patients to the SSU and ordering treatment.
3. Permitted non-physician SSU staff to use his pre-signed physician orders to admit patients to the SSU and provide treatment which required a physician's authorization and order.

### SPECIFICATION OF CHARGES

#### FIRST SPECIFICATION

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

The Respondent is charged with practicing the profession with negligence on more than one occasion under N..Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges that Respondent has committed two or more of the following:

1. The facts in paragraphs B and B1, B2 and/or B3; C and C1, C2 and/or C3; D and D1, D2, and/or D3; E and E1 and/or E2; F and F1 and/or F2; G and G1, G2, and/or G3; H and H1, H2, and/or H3; I and I1, I2 and/or I3.

**SECOND THROUGH NINTH SPECIFICATIONS**  
**PRACTICING WITH GROSS NEGLIGENCE**

The Respondent is charged with practicing the profession with gross negligence under N.Y. Educ. Law Section 6509(2) (McKinney 1985), in that Petitioner charges:

2. The facts in paragraphs B and B2 and/or B3.
3. The facts in paragraphs C and C2 and/or C3.
4. The facts in paragraphs D and D2 and/or D3.
5. The facts in paragraphs E and E2.

6. The facts in paragraphs F and F2.
7. The facts in paragraphs G and G1, G2, and/or G3.
8. The facts in paragraphs H and H1, H2 and/or H3.
9. The facts in paragraphs I and I2, and/or I3.

**TENTH THROUGH FIFTEENTH SPECIFICATIONS**

**PERMITTING AN**

**UNLICENSED PERSON TO PRACTICE MEDICINE**

The Respondent is charged with permitting an unlicensed person to perform activities requiring a license to practice medicine under N.Y. Educ. Law Section 6509(7) (McKinney 1985), in that Petitioner charges:

10. The facts in paragraphs B and B3.
11. The facts in paragraphs C and C3.

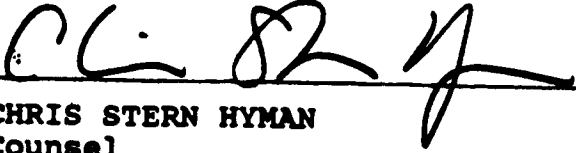
12. The facts in paragraphs D and D3.
13. The facts in paragraphs G and G1, G2, and/or G3.
14. The facts in paragraphs H and H1, H2 and/or H3.
15. The facts in paragraphs I and I3.

**SIXTEENTH SPECIFICATION**  
**FAILING TO COMPLY WITH**  
**A STATE LAW**  
**GOVERNING THE PRACTICE OF MEDICINE**

The Respondent is charged with committing unprofessional conduct under N.Y. Educ. Law Section 6509(9) (McKinney 1985), in that he committed unprofessional conduct within the meaning of of 8 N.Y.C.R.R. 29.1(b)(1) (1987), for his grossly negligent failure to comply with Section 33.04 of the Mental Hygiene Law (McKinney 1988), in that the Petitioner charges:

16. The facts in paragraphs H and H1, H2 and/or H3.

DATED: New York, New York  
~~January 1991~~  
April 2, 1991

  
CHRIS STERN HYMAN  
Counsel  
Bureau of Professional Medical  
Conduct